

ZONING BOARD OF APPEALS

CITY OF LIVONIA

MINUTES OF REGULAR MEETING HELD TUESDAY, JULY 13, 2021

A Regular Meeting of the Zoning Board of Appeals of the City of Livonia was held on Tuesday, July 13, 2021.

MEMBERS PRESENT: James M. Baringhaus, Vice Chairman
Timothy Klisz, Secretary
Michael A. Testa
Joel Turbiak
Christopher Boloven
Scott Morgan

MEMBERS ABSENT: Gregory G. Coppola

OTHERS PRESENT: Leo Neville, Legal Department
Harry Ramsden, Inspection Department
Valerie Bertani, CEO 9489

The meeting was called to order at seven p.m. Vice Chairman Baringhaus explained the Rules of Procedure to those interested parties. Each petitioner must give their name and address and declare hardship for appeal. Appeals of the Zoning Board's decisions are made to the Wayne County Circuit Court. The Vice 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 Vice Chairman asked if anyone wished to be heard by a full Board and no one wished to do so. The Secretary then read the Agenda and Legal Notice to each appeal, and each petitioner indicated their presence. Appeals came up for hearing after due legal notice was given to all interested parties within 300 feet, petitioners and City Departments. There were thirteen (13) people in the audience.

(7:03)

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APPEAL CASE NO. 2021-07-31: An appeal has been made to the Zoning Board of Appeals by Mark and Lisa Kitz, 19238 Laurel, Livonia, MI 48152, seeking to erect a six-foot-tall privacy fence in each side yard of an existing residence, resulting in the fence being beyond the rear line of each side of the residence toward the street, which is not allowed and has not obtained the adjacent property owner's approval.

The property is located on the south side of Laurel (19238), between Bridge Street and the cul-de-sac, Lot. No. 015-01-0016-000, R-3 Zoning District. Rejected by the Inspection Department under City of Livonia Fence Ordinance, Section 15.44.090B, "Residential District Regulations."

Baringhaus: Thank you. Before we begin, I would just like to take a moment and welcome Scott Morgan to the Zoning Board of Appeals. This will be Scott's first meeting this evening and we look forward to working with him. So, will the petitioner please approach the microphone.

M. Kitz: Hi, my name is Mark Kitz. I'm the owner and resident at 19238 Laurel Drive and I'm seeking a variance to push my fence up on the West side of my house up past the garage door, past the side window, so I'm looking for a little bit more security for my backyard, to finally close it in. I have a full fence on my East side--

Baringhaus: I'm gonna have you stop right there--

M. Kitz: Sure.

Baringhaus: --for one moment. We just have a couple things to do. Does the Board have any questions for the law department? Are there any questions for the inspection department?

Boloven: Mr. Chair.

Baringhaus: Yes.

Boloven: Question for inspection. I see as part of the notice it says that the adjacent property owner approval hasn't been obtained, is that actually the case here or has it been submitted now?

Ramsden: I believe that was submitted--that neighbor to the West has recently submitted.

Boloven: It has been approved now?

Ramsden: That is correct.

Boloven: So, that is no longer an issue here tonight?

Ramsden: That is correct.

Boloven: Thank you.

Baringhaus: Thank you. Go ahead.

M. Kitz: So, we're looking to close off just the front ends of my property. I have on the West side, a chain link fence, and on the East side, a full six-foot white privacy fence that goes halfway up the East side of my house and I'm just going perpendicular from that fence to my house to close that end off, and on the West I'm asking for a variance to go from the chain link fence, which is approximately four feet behind the back corner of my house, up the property line through the West side to the front side of the--excuse me--to the garage side, just beyond the window of the side of the house to enclose that window and that side door behind the privacy fence for a little bit more security, and then to the West side, I do--my neighbors do have a generator that creates noise once a week. It runs approximately ten, fifteen minutes, kind of loud, so gonna try to help muffle that down a little bit too. So, it's multipurpose, plus I have a couple new dogs, and that's the reason why we're erecting it also, so.

Baringhaus: So, basically to clarify--clarify your hardship, you mentioned two conditions, one was the generator--

M. Kitz: Yes.

Baringhaus: --also, your dogs as well. Can you expand on just keeping--securing the yard, what was the--

M. Kitz: Well, a privacy fence beyond--it'll be harder to notice that and get into my backyard and through that window if somebody plans on--you know--doing anything to my house. So, I wanna feel a little bit more secure on that side. So, that's why I wanted to bring it up past the window as opposed to halfway up past the door, which I think the ordinance allows me to do.

Baringhaus: Okay. Any other questions for Mr. Kitz.

Boloven: Mr. Chair.

Baringhaus: Mr. Boloven.

Boloven: Question for the petitioner. You mentioned dogs, what type of dogs do you have?

M. Kitz: It's a Cocker Spaniel, Bichon mix, and the other one is a miniature Aussiedoodle.

Boloven: Any issues with the dogs with neighbors?

M. Kitz: No.

Boloven: Any issues with outside animals coming in?

M. Kitz: Besides your skunks, and--

Boloven: Besides that.

M. Kitz: --everything else, we do once in a while get stray dogs in there that are off the leash, and we're one of the few yards that isn't fully fenced in around the neighborhood, so.

Boloven: Any children?

M. Kitz: Fully grown. Three daughters.

Boloven: Thank you, Mr. Chair.

Baringhaus: Thank you. Any other questions?

Testa: Mr. Chair.

Baringhaus: Mr. Testa.

Testa: Question for the petitioner. So, your current chain link fence on the East side, it just kind of dead ends and cuts over by the generator to your neighbor, correct?

M. Kitz: Correct.

Testa: Okay. And you're basically gonna put in a privacy fence to connect right to that?

M. Kitz: Correct.

Testa: Okay. And your--there's no proposal for the back of your lot, you'll keep the existing--

M. Kitz: Nope. That's all chain link too, to the South side of my yard also.

Testa: And just to make sure I got everything, on the West side you're gonna put in about eighteen feet worth of fence from your house to your other neighbor's chain link fence from your drawing?

M. Kitz: Correct. Not including the gate that goes perpendicular to the house.

Testa: Thank you.

Baringhaus: Just one question regarding the fence itself, can you just restate the materials of the--and the color of the fence.

M. Kitz: It--it's white fence. Standard. There's no particular design to the fence. It's plain. No design on either side. So, both sides are the same. Six-foot, and it's plastic polyethylene or whatever they make the fence out of these days.

Baringhaus: Vinyl coated.

M. Kitz: Vinyl coated. Yes.

Baringhaus: Okay. I recall some drawings on the fence that will go--you're proposing that would go on the West side past your window, would there--there will be a gate on that fence, correct?

M. Kitz: Correct.

Baringhaus: Yes.

M. Kitz: It'll be a single, eight-foot, two section gate, each second four feet.

Baringhaus: Okay. Very good. Just curious with the neighbor that was holding out on approval-

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M. Kitz: They weren't holding out. I don't know why it was written that way to be honest with you. I had asked verbal approval initially with the neighbor and they agreed. I didn't realize there was a--a form--an application--

Baringhaus: Okay.

M. Kitz: --until Harry came over and I talked to him and had a discussion with him.

Baringhaus: Okay.

M. Kitz: And then so, I went on the website, found it, went over and they had no issue signing it, so.

Baringhaus: Okay, very good. Thank you. Any other questions?

Turbiak: Mr. Chair.

Baringhaus: Yes, Mr. Turbiak.

Turbiak: Just a point of clarification to the inspection department. I think the petitioner mentioned that he believed that he's able to enclose the door on the side--that would be the West side per the ordinance. I believe the ordinance says that if--they're allowed to enclose it up to the mid-point of the building. When I looked at that, it looked like the door was closer to the street side of the mid-point. Is it--is it true that he would be able to enclose just the door without a variance on that side? Since he has the neighbor's permission.

Ramsden: That's correct.

Turbiak: It would be. Okay. Thank you.

Ramsden: The intent is to let animals in and out.

Turbiak: Thank you for that clarification. Thank you.

Baringhaus: Any other questions? Okay, very good. Thank you, we'll have you take a seat for a moment.

M. Kitz: Okay. Thank you.

Baringhaus: Are there any comments from the audience regarding this particular case? Okay. Seeing no comments, will Secretary Klisz read the letters.

Klisz: Yes, we have I believe one, two, three, four, five letters. Letter of approval, Joann Coobatis C-o-o-b-a-t-i-s, 34700 Seven Mile Road (Letter read) Second is a letter of approval, oh, it's by the same person. Letter of approval, Patricia Seago S-e-a-g-o and Michael Maj M-a-j, 19817 Laurel Drive (Letter read.) Pierre J-r-a-i-c-h-e, 19264 Laurel Drive (Letter read.) Letter of approval, Loretta Nesti N-e-s-t-i, 19368 Laurel Drive (Letter read.) That's all the letters.

Baringhaus: Thank you very much. If the petitioners could come forward again, please. I will ask you to make a closing statement regarding your--your case.

M. Kitz: I really don't have any closing thoughts. Just hope it kind of goes through. I think it'll be an improvement to our house. It'll look, like I said, aesthetically nice and I'm looking forward to putting it up, hopefully soon.

L. Kitz: And our neighbors have expressed no--

M. Kitz: Right.

L. Kitz: --no problems at all.

M. Kitz: We have really good neighbors, so.

Baringhaus: Okay.

M. Kitz: And then we have no association, so that's obviously not an issue and that's in the paperwork.

Baringhaus: And how soon would you like to get started on the project?

L. Kitz: Tomorrow.

M. Kitz: Yesterday.

Baringhaus: Very good. Okay. Any other comments?

M. Kitz: Nope. No other comments.

Baringhaus: Great. Thank you.

M. Kitz: And I appreciate your help. Thank you.

L. Kitz: Yeah, thank you.

Baringhaus: Okay, we'll close the public portion of the meeting, and we'll begin with the Board comments. We'll start with Mr. Testa.

Testa: Thank you. So, I can support this. I appreciate the letters from the neighbors' approval. I also understand the hardship. I recognize kind of the generator going off, even though it's--you know--once a week and brief, I can understand that. And I also understand why you'd want to move the fence to where you want to. I think that's--oh, I like the fact that it's not going across the whole yard, and literally it trying to privacy off the main portion of your house area, so, thank you.

Baringhaus: Secretary Klisz.

Klisz: I'll agree with Mr. Testa. I think the hardship is there. The thoughtfulness by the Petitioners in this together makes perfect sense and they have full neighbor support, so I will be in support as well.

Baringhaus: Thank you. Mr. Boloven.

Boloven: I agree with Secretary Klisz and Mr. Testa. The uniqueness of this lot envelope, combined with the support of the neighbors, I see the hardship, and I would be in support of this request.

Baringhaus: Thank you. Mr. Turbiak.

Turbiak: Thank you, Mr. Chair. I'm gonna go against the grain a little bit. I think I could approve in part. I don't see any issue on the East side with the eighteen feet that's continuation of the neighbor's fence. However, on the West side--the garage side, I think it's too close to the front of the house. I was out there, and it's about nine feet. I think that's a little bit too close to the front of the garage. It's kind of actually in line with the front line of the house. If you--like on the other side of the garage--like the center of the house, therefore, I would be okay. And to touch on the security point--you know--obviously, it's--it's a little bit easier if there's no fence to just break into that window. However, as was mentioned, there are many other portions of the yard are four feet high, so if someone really wanted to get in there, I think they could pretty easily get over a four-foot chain link fence. So, I think there added security is not really worth the aesthetic detriment to the neighborhood as one Board member--as I see it, therefore, I would not support it as presented. I could support it if it came between the side door and the window--let's say the mid-point seems reasonable, and those are my thoughts. Thanks.

Baringhaus: Okay. Thank you. Mr. Morgan.

Morgan: Yeah, as it's presented, I think it seems pretty reasonable to me what they're asking for. It's gonna be aesthetically pleasing and the neighbors don't seem to have a problem with it, so I would support it.

Baringhaus: Okay. Thank you very much. I agree with my colleagues. I would support the variance as well. I think the petitioner's done an admirable job of actually lining the fences to the existing fence lines of both neighbors and I was kind of surprised why your one neighbor hasn't turned in an approval, but -- 'cause I thought it was very well thought out. And then upon closer inspection, seeing the generator on the side of your neighbor's house--I too share your pain in that regard, so I understand the--you know--the inconvenience that presents, and the necessity of creating some type of noise barrier because that particular generator is fairly--you know--in the open. So, based on that, again, I will support the variance.

Upon Motion by: Klisz. Supported by: Boloven.

RESOLVED: APPEAL CASE NO. 2021-07-31: An appeal has been made to the Zoning Board of Appeals by Mark and Lisa Kitz, 19238 Laurel, Livonia, MI 48152, seeking to erect a six-foot-tall privacy fence in each side yard of an existing residence, resulting in the fence being beyond the rear line of each side of the residence toward the street, which is not allowed and has not obtained the adjacent property owner's approval.

The property is located on the south side of Laurel (19238), between Bridge Street and the cul-de-sac, Lot. No. 015-01-0016-000, R-3 Zoning District. Rejected by the Inspection Department under City of Livonia Fence Ordinance, Section 15.44.090B, "Residential District Regulations," **be granted for the following reasons and findings of fact:**

1. The uniqueness requirement is met because of the particular size and variation of the lot and existence of neighbor's generator.
2. Denial of the variance would have severe consequences for the Petitioner because they would not have safety and noise reduction.
3. The variance is fair in light of its effect on neighboring properties and in the spirit of the Zoning Ordinance because of 100 percent neighbor approval.
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 as to location and materials.
2. That the five (5) day waiting period be waived.

ROLL CALL VOTE:

AYES: Morgan, Testa, Boloven, Klisz, Baringhaus

NAYS: Turbiak

ABSENT: Coppola

Passes: 5-1

Baringhaus: Thank you. Your variance has been approved. As Mr. Klisz indicated, we've waived the five-day waiting period for your permits, so you're free to get started as soon as possible. Again, another condition was that your fence be erected as presented this evening, so good luck to you.

M. Kitz: Okay. Thank you very much. I appreciate your time.

Baringhaus: Thank you very much.

L. Kitz: Thank you.

APPEAL CASE NO. 2021-07-33: An appeal has been made to the Zoning Board of Appeals by Michigan Columbus Federal Credit Union, 30419 Six Mile, Livonia, MI 48152, seeking to add an additional panel in an existing ground sign, which is an electronic message center (EMC), resulting in excess sign area and the EMC board is not allowed in this zoning district. Electronic message boards are not permitted where, as here, the signage on the site does not fully comply with zoning ordinance limitations.

Ground Sign Area:

Allowed: 16 sq. ft.
Proposed: 29 sq. ft.
(16 sq. ft. existing; 13 sq. ft. EMC)
Excess: 13 sq. ft.

The property is located on the south side of Six Mile (30419), between Ryan and Oporto, Lot. No. 054-99-0001-001, OS Zoning District. Rejected by the Inspection Department under Ordinance 543, Section 18.50F(a), "Sign Regulations for Office Services Districts," and Section 18.50H(o), 1, "Sign Regulations in C-1, C-2, C-3 and C-4 Districts."

Baringhaus: Thank you. Does the Board have any questions for the law department? Very good. Are there any questions for the inspection department? Okay. Thank you. Will the petitioners please come forward and have a seat in front of the microphone? Thank you. Good evening.

Thompson: Hi.

Zacks: Good evening.

Baringhaus: Could you please state your names and addresses for the record please?

Thompson: I'm Barbra Thompson. Address is 30419 Six Mile in Livonia.

Zacks: Michael Zacks. I'm the general manager for Ultimate Signs LED, 8827 Mark Twain, Detroit, Michigan.

Baringhaus: Okay. Thank you. Yeah, could you please state your--your rationale for the sign and what hardship you're addressing with your proposed sign?

Zacks: Sure. Yes. They have been a good corporate citizen for over 40 years. The restrictive hardship is that that property and the building is set back so far from the road that it always amazes us that after 40 years, they consistently get people who come in and say we didn't even know you were here. So again, the real hardship is the setback of the building and obviously that wasn't self-imposed.

Baringhaus: Okay. I understand. In terms of the message board itself, what type of messages do you wanna communicate or present on this board?

Zacks: Af--after talking with staff, I think the intent was to have a static-type message where they would post, say an interest rate or a product or service that they currently had. So, the messages wouldn't be scrolling or jumping or dancing, but again, just a static message that would change and display a product or service.

Baringhaus: Back a few years ago--back in 2010 I believe, there was a variance request on this same sign if I'm not mistaken. At that point, an electronic message point was being considered at that point, but then it was determined that it really wasn't needed, so--you know--again, what--what's changed over the years?

Thompson: Well, over the years, we do have a--we have an ATM. We put up a 24/7 ATM that is pretty reliable, and in the area, there aren't any until you get to Five Mile or up on Middlebelt. So, we don't--we get a lot of--we advertise it on our website and also on a shared branch type site, but we got a lot of people saying they can't locate the building because it's not lit. And we also--as we said, over the years we've had a lot of people say I didn't even know you were here. You know--we--in putting out our marketing plans and going out into the community and committing to the community, and then people are saying we don't even know where you're at.

Baringhaus: Okay. Thank you. Any other questions for the petitioner?

Klisz: Mr. Chair.

Baringhaus: Mr. Klisz.

Klisz: This particular sign is--is already there, correct?

Zacks: It is.

Klisz: So, it's not going to change--

Zacks: Wouldn't change the footprint so to speak--in other words, the stone base is already there.

Klisz: Right.

Zacks: We would just be using more of the stone base of the interior of it.

Klisz: And is it currently lit?

Zacks: It is lighted, yes.

Thompson: Well, the bulbs are out right now.

Zacks: Right.

Thompson: So, we haven't replaced it, but they are--

Zacks: Yeah.

Thompson: --possibly replaceable.

Zacks: It's an illuminated sign. There needs to be some--

Thompson: Yeah, illuminated.

Zacks: --service done.

Klisz: Okay. Thank you.

Boloven: Mr. Chair.

Baringhaus: Mr. Boloven.

Boloven: Does the petitioner have any examples of surrounding businesses that have signage similar to what you're requesting?

Zacks: You're asking me?

Boloven: Either or.

Zacks: I think there's a number of locations in the city that have similar type LED signs. This one would be 25 inch by 75 inch. So, it's approximately thirteen square feet. The reason it's that size is because the modules are 25-inch square, so that forms the 25 by 75 area. It's a fixed illumination and it's not able to be altered by the operator of the LED board, so you don't have any excess illumination so to speak.

Boloven: So, off the top of your head, any examples of businesses--

Thompson: I do.

Boloven: --that are nearby that you can think of that have a similar sign.

Thompson: On Middlebelt by the barn--is it the red barn on Middlebelt there, it has a sign. Now, there sign faces the street, ours does not. Ours sits so that you--when you're driving down Six Mile you can see it, but it doesn't face any residents. Now that sign at the red barn does face the residents. And of course, the one at the Marketplace and the one at the school. I think off the top of my head those are the three that I'm aware of. And they all face the street. Ours faces--
-

Zacks: East, West--

Thompson: --East and West.

Boloven: And are those zoned similar to the parcel that's in question here?

Thompson: Yes.

Boloven: Thank you, Mr. Chair.

Baringhaus: Thank you. Any other questions? Mr. Testa.

Testa: To the petitioner, how high up above the current sign will the LED board go?

Zacks: It'll be approximately five inches.

Testa: Okay. And then, out of curiosity, why are you putting the LED at the top of the name sign and not vice versa?

Zacks: I think that was the preference. It could be the other way. I don't think there's an issue. Right?

Thompson: Yeah, there's no preference. We just thought that cost wise, it was less expensive to remove that one panel and put the panel, but we could also--so, all we're doing is dropping the panel, because right now there's a space.

Testa: I see.

Thompson: So, we're dropping the panel and putting the other panel on top of it.

Testa: Alright. Thank you.

Baringhaus: Any other questions from the Board? Okay, very good. We'll have you take a chair.

Zacks: Sure.

Baringhaus: Thank you. At this point, are there any members of the audience that wish to comment on this case? Okay. Thank you. Secretary Klisz, will you please read the letters.

Klisz: Yes, we have two letters. Letter of objection, Mary Anne LaCaprova L-a-C-a-p-r-o-v-a, 30410 Munger, Livonia (Letter read.) Letter of approval, Lisa Rasak R-a-s-a-k, 17120 Catherine Court, (No comments)

Baringhaus: Okay. Thank you very much. If the petitioners could come back to the microphone, please. I just have--one question I do have, how many members does your credit union have?

Thompson: 3,208.

Baringhaus: Okay. And it does--it's not for like one occupation, like teachers or?

Thompson: No. Our credit union started out as the fraternal organization of Knights of Columbus.

Baringhaus: Okay.

Thompson: And then we changed our field of membership to be anybody who live, work, worship, attend school, or volunteer in the city of Livonia. We changed our charter and we gave up the entire state of Michigan Knights of Columbus and chose Livonia.

Baringhaus: Okay. And that--that's the only branch that you have?

Thompson: That is.

Baringhaus: That is. Okay, great. Super. Okay. At this point--would you like to make a--I'm sorry, Mr. Turbiak, please.

Turbiak: Thank you, Mr. Chair. Yeah, sorry I didn't ask this during the question and answer portion, but I noticed in the minutes that the sign was 20.3 square feet, do you know why you wound up only installing a sixteen square foot?

Zacks: Based on size. The modules are 25-inch square, so--

Turbiak: I'm talking about the existing one, sorry.

Zacks: Oh, the existing sign?

Turbiak: Yeah. In the notes from the earlier case that Chairman Baringhaus referenced where there was an EMC and a wall sign considered, it seems like they settled on a 20.3 inch--I'm sorry square foot sign.

Zacks: Oh. Yeah, I'm not sure why this one was smaller.

Thompson: I wasn't employed there at the time--

Zacks: Right.

Thompson: --but what they thought is the LED would fit into that space. So, the original contractor had told us--told the Board of Directors and the team that was working on it, was that if we went with the existing design, that the piece would fit right in there, and now we can't find a piece that'll fit in there.

Turbiak: Yeah, no I apologize. I don't think I was asking very clearly. So, the sign that was approved--the one that you see today--was approved for 20.3 square feet. But it--you're saying today it's only sixteen square feet.

Zacks: It is.

Turbiak: Right.

Thompson: Right. Because they left that space, because that space was where the message board--the message sign was going to go, and the original contractor told us we could find one that could fit in there.

Turbiak: Okay. So, it sounds like it was a calculation thing. Yeah, because it should just be the sign, not the space under it.

Zacks: Right.

Turbiak: Right. Okay. My other question is, have you considered a wall sign instead of an EMC for today's hardships that you have?

Zacks: I--I think they didn't only because of the setback of the building. Just--you've driven outside obviously, everyone, and setback so far from Six Mile that it--I'd say they've been there for 40 years, and they consistently get people who just realized that they were there.

Turbiak: Mmhmm. And have you considered a larger sign in place of the one that's existing?

Zacks: I don't think so.

Thompson: No. We haven't.

Turbiak: Okay. And what kind of advertising do you guys do? You mentioned that a lot of people aren't aware of you?

Zacks: Sure.

Turbiak: I don't recall getting any mailers myself. I've lived in Livonia for a long time. Do you guys do anything like that?

Thompson: Yeah, we have done--we have done postcards. I don't know how long you've lived in Livonia, but yeah, we've done postcards. We have engaged with companies that would give us mailing lists.

Turbiak: Okay.

Thompson: Things like that.

Turbiak: Okay. Thank you. Appreciate it. Thank you, Mr. Chair.

Baringhaus: Okay. Thank you. Any other questions? Okay. Great. At this time, I would like to have you make a closing statement.

Zacks: Sure. Again, thank the Board for the opportunity to present the case. We feel that the request is reasonable. We feel it doesn't violate the spirit of the ordinance, and we feel it's aesthetically pleasing as much as a sign can be. And again, the hardship in place wasn't self-imposed. They're set back so far from Six Mile that again, many customers hadn't realized that the building was there.

Baringhaus: Okay. Thank you very much.

Thompson: Thank you.

Baringhaus: We'll close the public portion of the meeting and begin the Board's comments with Secretary Klisz.

Klisz: Unfortunately, this one has two strikes against it, and so I will not be in support. One, I can recall that we heard a case very similar a couple years ago for the church that is exactly about one mile away on Five Mile and they had the same issues and the same request, and we denied them. I think the Board has historically taken a very strong stance against the electronic message boards. Yes, they exist in the city. Schools aren't under the same jurisdiction, and we have no control over those, but in these, we do take a strong look at them. There is obviously one close neighbor who's opposed it which means a lot to me. And then the other problem is that while they are allowed in some areas, they're not allowed in this zoning district, so that's the second strike against it. I think that--you know--the petitioner obviously can replace the bulbs in their current sign, make that light up. That would probably help. But it really doesn't change much from what happened when this original sign was proposed, and--and just--you know--saying that they need--you know--advertising to get more business is not the kind of hardship that we can consider, so I will not be in support.

Baringhaus: Okay. Thank you. Hate to do this, but did we read the letters?

Klisz: Yes, we did.

Baringhaus: Yes, we did. Thank you. That's my fault then. Okay. Very good. Mr. Boloven.

Boloven: I agree with Secretary Klisz. For the electronic signs, this Board's been consistent. You gotta stay within the footprint of the required or allowed area, which would be that sixteen square feet. Going over--I mean, we're looking to double almost the size. I--I quickly looked at petitioner's examples to see if there's any others just to stay consistent, and the example given, it looks like that's public land at Merriman--Middlebelt and West Chicago. They're not the same as an Office Service OS, which is how this parcel is zoned, so we gotta take into consideration that it is a transition type parcel for zoning, and housing is nearby, and the resident objection speaks to that. So, I'd be in support of a tabling if the petitioner wants to come back with another stab at the drawing board within the sixteen square feet, if not I'd be in support of denial as well. Thank you.

Baringhaus: Thank you. Mr. Turbiak.

Turbiak: Thank you, Mr. Chair. Yeah, I'm gonna be in support of either a denial or a table. Like my colleagues have mentioned, we--I--I personally don't like the electronic message centers. Especially in zoning that doesn't permit it like this. It was mentioned that it's a transition to residential. That's true. One of the neighbors did object. So, as far as tabling, I'd be looking to consider a larger sign in the same basic location. I mean, I'd also consider a wall sign, but it sounds like there's a pretty good reason not to go down that avenue. It was mentioned that it was not self-imposed, and I didn't really dig into this, but I would imagine--I mean the building was there when they bought it. So, they knew how far away--it was away from the road. It was also mentioned that the EMC was considered at this specific site, and was rejected, and I agree with them. I think they got it right. I didn't see the minutes from that meeting where they actually discussed it, but I can imagine--you know--that the neighbors did not--you know--approve of it. It was kind of alluded to that--you know--they took the consideration of the community and that this would meet the needs. I think there's other things that could be done to help awareness of the site. I don't--I didn't ask, but maybe a social media presence is pretty common nowadays, in addition to traditional mailers. So again, I would support either denying it or tabling it to consider some other signage, but I would not be in support of anything with an EMC in this zoning at this property. Thank you.

Baringhaus: Okay. Thank you. Mr. Morgan.

Morgan: Yes. I'm of the same thought. That area in the evening or at nighttime, it's not a very well-lit area, and that--that sign would be very distracting. Not to mention bothering the neighbors. I think there's other ways to handle this, and one of them may be fix the bulbs or put some other type of light on that sign that would bring more attention to the business. So, I--I am not going to support that.

Baringhaus: Okay. Thank you. Mr. Testa.

Testa: I am also not in support of this. I--I don't like these signage this close to a residential area as in, besides the building next to it, this is basically a residential area. I would be open to allowing or having you come back with a request for more signage, like if you wanted to put another board up there that says ATM because you do have blank space within your current envelope of the stone--stonework there. So, if you wanted to put ATM or other things to advertise your products within there, I could be agreeable or support a bigger sign with more words.

Baringhaus: Okay. Thank you very much. I agree with my colleagues. I thought some very good points were brought up that were similar to mine. One's Mr. Boloven's. I didn't see an electronic message center in that particular area as well. And in fact, I was concerned about putting one in relative to--two things--as Mr. Klisz pointed out, we did have a similar case with a church requesting that sign about a year ago, and the fact that it--that location is kind of intermeshed with a residential area as well. So, based on that, I feel that--you know--we should either--you know--give you an opportunity to come back with an alternative design. Perhaps a larger sign that would be more visible from the road, or at this point, I would be in support of denying the variance. So, with that, the Chair will entertain a motion.

Upon Motion by: Boloven. Supported by: Turbiak.

RESOLVED: APPEAL CASE NO. 2021-07-33: An appeal has been made to the Zoning Board of Appeals by Michigan Columbus Federal Credit Union, 30419 Six Mile, Livonia, MI 48152, seeking to add an additional panel in an existing ground sign, which is an electronic message center (EMC), resulting in excess sign area and the EMC board is not allowed in this zoning district. Electronic message boards are not permitted where, as here, the signage on the site does not fully comply with zoning ordinance limitations.

Ground Sign Area:

Allowed: 16 sq. ft.
Proposed: 29 sq. ft.
(16 sq. ft. existing; 13 sq. ft. EMC)
Excess: 13 sq. ft.

The property is located on the south side of Six Mile (30419), between Ryan and Oporto, Lot. No. 054-99-0001-001, OS Zoning District. Rejected by the Inspection Department under Ordinance 543, Section 18.50F(a), "Sign Regulations for Office Services Districts," and Section 18.50H(o), 1, "Sign Regulations in C-1, C-2, C-3 and C-4 Districts," **be tabled in order to give the petitioner time to consider the Board's comments and return with a new plan.**

ROLL CALL VOTE:

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

NAYS: None.

ABSENT: Coppola

Tables: 6-0

Baringhaus: Okay. At this point your--your request has been tabled. I'd recommend you get back in touch with the inspection department--

Zacks: Yup.

Baringhaus: --when you're ready with your alternative plan so we can hear your revised plan and make a decision from that point.

Zacks: Thank you.

Baringhaus: Thank you very much.

Thompson: Thank you.

APPEAL CASE NO. 2021-07-34: An appeal has been made to the Zoning Board of Appeals by MJC Inkster Industrial, LLC, 46600 Romeo Plank Road, Ste. 5, Macomb, MI 48044, on behalf of Lessee, LISI Automotive Hi-Vol, Inc., 12955 Inkster, Livonia, MI 48150, seeking to erect a two-story addition on the front of an existing building, resulting in deficient front yard setback.

Front Yard Setback:

Required: 50.0 feet

Proposed: 29.9 feet

Deficient: 20.1 feet

The property is located on the west side of Inkster (12955), between Schoolcraft and the C&O Railroad, Lot. No. 097-99-0006-000, M-1 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."

Baringhaus: Well, thank you. Will the petitioners please come forward?

Kritzman: I know you guys have digital copies, but we have printed copies here if anybody wants some, we can send some down.

Baringhaus: Okay, great. Thank you. Would you please state your name and addresses for the record, please?

Hinz: Randy Hinz, LISI Automotive General Manager, 12955 Inkster Road.

Baringhaus: Thank you.

Kritzman: My name's Brandon Kritzman from Detroit Architectural Group.

Baringhaus: Thank you.

Kritzman: I'm sorry. 1644 Ford Road, Wyandotte, Michigan, 48192.

Baringhaus: Thank you. And your name?

Moceri: Scot Moceri from MJC Companies (inaudible) Inkster Industrial, LLC. 46600 Romeo Plank, Suite 5, Macomb, Michigan, 48044

Baringhaus: Okay. Thank you. To begin with, would you give us an outline of your--your project and also the hardship you're addressing.

Kritzman: Alright. Well, we done have something of a presentation, Mr. Baringhaus--

Baringhaus: Okay.

Kritzman: --I don't know if you want us to jump into that at this point or keep it more to an outline sort of format.

Baringhaus: If you wanna just use your presentation that would be fine.

Kritzman: Alright, so the copies that we handed out match the PDF presentation that was submitted as new data, hopefully you have that. Again, my name's Brandon. I'm here simply from a design perspective standpoint. I'd like to introduce the owner of the--of the property, MJC Companies, represented by Scot Mocerri here this evening. And then to my left is Randy Hinz from LISI Automotive. And they're really the ones--

Baringhaus: Before you begin--begin, let me just ask one question to the Board, are there any questions that the Board has for the law department? No? Okay. Are there any questions for the inspection department? Sorry about that. That was my oversight. Questions for the inspection department? Okay, thank you. Just checking the boxes here. Please proceed Mr. Kritzman.

Kritzman: Not a problem. I know that--I know that move well. Honestly, at this point, it was my intention to hand it over to Randy Hinz, representing LISI Automotive.

Hinz: So, I'd like to start at slide three. I'm not gonna read the slides verbatim, I'm just gonna hit a couple highlights. Stop if you have questions. So, on slide three, you can see we we're founded in 1954. We've been in Livonia at Inkster Road since 1971. We are an automotive supplier of about 150 people, and we are--make about 90 million pieces a year. MJC Property has bought the facility in 2003, and we were purchased by LISI Automotive in September of 2018. Little bit of background, LISI on slide four--LISI Automotive is worldwide. Basically, on three continents. You can see that we are in the NAFTA group of Livonia. They actually--LISI Automotive is from 1970--the 1777--excuse me, can see that building up on the upper right. Slide five just gives you an overview of the parent group called LISI Group, comprised of LISI Aerospace, LISI Automotive, and LISI Medical. So--you know--roughly 600 million annual sales for LISI Automotive. To the right, some of the customers that LISI Automotive has and getting to slide six, these are the facilities that we have currently. Our in--we call the Inkster Road facility our plant one, 60,000 square feet of manufacturing, and then we call Hubbard Road, plant two. Basically, we're doing some inspection and warehousing and shipping out of that facility to our customers. The critical objective of what we're trying to achieve with LISI Automotive is consolidation into one facility and for the reasons that we'll get into a little bit later, it makes sense to put plant two into plant one and not the other way around. The challenges at plant one-- you can see on slide nine, a few photos. This large industrial manufacturing equipment, anything can be moved, but the equipment is large. There's significant risk in trying to tear it apart and move it and you've got inventory issues. You'd have to re--actually re-rig the--machines inside the facility, and that would add risk to the operation, but any kind of consolidation and certainly prevent us from doing it readily. The move from plant two into plant one is much more readily obtainable and lower risk. That's shown a little bit on slide nine. You can see some of our equipment there. It's really sorting, lasers, robots, vision systems, that type of thing. The next slide talks about some of the site--site constraints which we're aware of which is why we--Scot at MJC and me myself of LISI decided to get Detroit Architectural Group

involved. So, I'd like to turn it over to Brandon, he's much more versed in (inaudible) on the sight challenges.

Kritzman: Randy can speak to that machinery all day long. All I know is I looked at it from the standpoint that it's physically embedded into the building and the foundations and, as Randy indicated, shared with--you know--with a fresh start you could always move things all over the place, but there are most definitely challenges to modifying that existing facility. From the sight constraint standpoint, this is where we got brought in along with all of Oliver Hatcher Construction, who's actually the group that brought us in. The first thing we did was look at what all the options are. Site two, which is over on Hubbard Road, just behind Bill Brown Ford, is almost entirely built up. There--it's really maxed out its building envelope, and there's certainly no room there to be adding on to it. So, it makes--naturally, the move that makes the most sense is to relocate plant two to plant one. So, looking at plant one and the property there, there's a little bit of space to the East. Approximately 9,000 square feet of space that we could get. But in order to make this whole thing work, they need 20,000 square feet of contiguous warehouse--not warehouse, but manufacturing area. You know--the office space could be manipulated and like we did, we actually moved it up to the second floor and a lot of ways to try and limit the variance request in the ways that we could. But the biggest obstacle that we ran into is the open ditch drain that runs from one side of the property to the other. It runs from the West side to the East side--or I guess either way. But the flow tends to go from the West to the East. So, if this was right along the edge of the property line and wasn't inhibiting a lot of the building envelope, it would be much less of an issue. Unfortunately, because of the angle and the current configuration of the drain, and it's fixed at each end by two fixed points where the system becomes an enclosed system, and runs through the adjacent properties to the West, and under the road to the East. Those are fixed points that can't be moved. Trying to maintain that drainage system that the city has an easement on--a 60-foot-wide easement, severely limits the building envelope that's available to us. We could have put the building off the North side--sorry, we could have put the addition off the North side of the building if that drain were not angled the way that it is. So, what we then looked at doing was trying to explore whether or not it was feasible to fit the manufacturing operation and the new office operation on the East side of the building, to unfortunately is the front side of the building and that will put us in a situation where we absolutely would not be able to accommodate within the existing setback. So then our goal was to say, okay, what are everyone's objectives? I mean, from MJC's perspective, in the long run--Scot you can speak to that for a moment.

Moceri: Yeah, our--our objective is to maintain LISI Automotive as a tenant in the--in that location. We're willing to invest, obviously, quite a bit into the building--into the property in general to do that. There are a lot of benefits also to expanding to the front, including a complete refresh and--and newness of the building on--that's you'd be able to see from the street scape. And obviously that--you know--would increase the long-term viability of the building as well as the entire property.

Kritzman: And then Randy from LISI's perspective.

Hinz: From LISI's side, the--the major operational objective is to consolidate into a single facility and stay in Southeastern Michigan to serve the auto industry that's here. That's really why LISI

purchased what was formally known as High Ball Products. We wanna maintain a presence, improve out functionality, workflow. We wanna continue to be able to invest in the equipment and grow the business and keep it--and make--bring the building itself up to LISI standards. You can see from the one shown there--corporate headquarters, LISI takes HSE, health safety environmental very seriously. They--they wanna upgrade the facility and be here for a long time.

Kritzman: I've got a 59-page corporate aesthetic standards document that I had to spend a fair a bit of time with to learn, so their expectations are high and the expectations for this project are just as high. One of the other things that they wanted to look at, which is why I'll kind of direct you to page thirteen there, we were talking about trying to maintain--you know--20 to 22,000 square feet of continuous manufacturing space. We looked at modifying the spaces inside the building so that they could get it. We looked at breaking it up into multiple pieces to try and make it fit on the site better, and from--from an operational workflow standpoint, it just does not work. The rear of the building has loading docks. The rear of the building has sunk down oil reserve tanks that go down four or five feet. There's a ramp off the back, so it really limits what we're able to do in certain aspects of the building but it's really that big component off the side that makes it super difficult. Our goal was to try and limit how much of a variance we're asking for--you know--you guys just looked at a case where--you know--something was built right up at a zero lot line. It's not what we're trying to do here. We're trying to understand and recognize that--that there is a setback requirement that makes sense in that corridor but with the practical difficulties that we're working with, our goal is to try and minimize it. So, what we did was, Tim and his group worked to set up the interior workflow, and that's all those fancy machines that I can't even begin to talk about, but they got it set up in a linear manor that allowed them to tie in with their existing manufacturing process and the way that they sacrificed a few things on their end, but they were still able to make it work, and then we elongated the building as much as we could to fill the--the intended building envelope, all in an effort to try and minimize the variance request. And then again, we pulled the--as much as we could from the office standpoint, up onto a second floor. So, it's really only 3500 square feet. I know it said two story addition, but the second floor portion is really only 3500 square feet, roughly speaking. The rest of it is a large volume manufacturing space that looks like it's in line with the rest of it. This will also have the effect as was stated by Mr. Mocerri of investing in a whole new facade along that side. You'll notice the truck route recessed on the South side of the building. We'll put all of those--kind of back of house operations will no longer be on what you consider the side, but more so the rear of the building. So, I really kind of already talked through fourteen and the intent of minimizing the setback. One of the things of note on one of the previous pages, Tim Hall, from LISI who's sitting in the audience here, along with Randy, they did go and approach the neighbors and speak with them, share them--share with them the designs and their intent and they have their support as well. I--they can speak to that further if there were any questions. I think at that point, I would say that kind of concludes the summary of our request.

Baringhaus: Okay. Thank you. One question I had, I did look at the blueprints, and it kind of struck me as the proposed addition looked more administrative than manufacturing in orientation. Just for clarification, is the office section on the second floor of the building, manufacturing more on the first floor? I'm not--

Kritzman: So, the first floor, if--and I'm not sure exactly which page you're looking at, the first floor that shows the addition off the front, if you look to the left, you'll see a truck dock. The vast majority of it is manufacturing.

Baringhaus: Okay.

Kritzman: That's a two story space that runs through almost the entirety of the first floor. And then you get into an area of about five or six offices--five or six open cubicles. And then it's all really just locker rooms and toilet facilities to support the plant. The balance of the administrative areas, another five or six offices, five or six open workstations, small conference room, large conference room, training areas, IT, all of that is located on the second floor.

Baringhaus: Okay, great. Thank you. I noticed in the front of the building there were several large trees, what are the plans for those? Will those be removed? Will the property be re-landscaped?

Kritzman: So, unfortunately, those big ol' existing trees--some of which have been trimmed back a little bit because they are to a point where they are losing branches quite a bit--I think the pine tree's actually got wires keeping it from falling onto the building. So, those trees will be removed, but they do have every intent to landscape. We have had preliminary discussions with the city engineering department to understand what the implications would be of the storm water management system, and it's our understanding that they whole front yard area would likely be required, although they hadn't gone through final engineering, but the front area would likely be required to be an extensive rain garden and fully landscaped.

Baringhaus: Okay.

Kritzman: So, that's somewhat depicted in the renderings, but that has not been completely flushed out yet.

Baringhaus: Okay. Thank you. Any other questions?

Turbiak: Mr. Chair.

Baringhaus: Mr. Turbiak.

Turbiak: Thank you. Through the chair to the petitioners, Mr. Kritzman, you mentioned I believe about the easement for the open drainage. I know there's some fixed points there, is it possible or did you give any consideration or exploration into re-routing that in such a way that it would open up more land area that's buildable?

Kritzman: So, there's two elements to that. I mean, one to maintain the easement, obviously you still can't build on it, but one of the more practical difficulties about that is that you wouldn't even be able to park over it or drive over it. So, circulation around the building becomes extremely problematic. Fire department vehicles would not be able to fully--fully traverse around the building. Could you theoretically re-route it? Yes. But I always caution people against that when--if anyone remembers the old Westland City Hall. The one they knocked down not too long ago.

It started leaking the first year that they built it. And it's because they re-routed an open ditch drain that had been running there for decades, and it--they immediately had foundational issues and--and the building was constantly plagued with water problems. It's not an impossibility, but there are most definitely the odds stacked against you in that case. I think the bigger difficulty is that if the effort to re-locate the drain--if the intention of doing that was to relocate the addition on the North side of the building, you'd still be finding yourself in a position where you wouldn't be able to accommodate circulation around the building.

Turbiak: Mmhmm. Well, certainly not the whole addition, but--you know--to ease the deficient setback. You know--that--you know--to try and wrap around some. I mean, obviously it's a lot of work to have to consider, but that was my general thought. Is try to extend it on the North side--

Kritzman: It is possible.

Turbiak: --by some amount.

Hinz: Our issue with the wrap around is that we need the space--the additional space to be contiguous. There's a big difference between our manufacturing of the heavy equipment that's in plant one and the control or sorting equipment that's in plant two currently with the cameras and the visions systems. So, we can't intermingle and mix.

Unknown: No.

Hinz: That's why we needed it all in one space.

Kritzman: And I understand what you're getting at. If we're able to take the administrative function and pull it out around the corner--

Turbiak: Sure.

Kritzman: --that would free up the possibility maybe we could come in a few more feet. Still get the square footage. Still have it be contiguous. The problem with trying to wrap it around that area is that that corner of the building is the fire sprinkler riser for the entire building, and there's a--there's an elaborate piping system that connects to the main city water supply system. Right in that--in that corner.

Turbiak: Okay.

Kritzman: So, this current design does maintain that. It maintains access to that, and the--the FDC--the fire department connection right there at that corner.

Turbiak: Thank you for that. Have you given any consideration to moving the offices that are on the first floor up to the second floor?

Kritzman: Yes. A lot of--so, we've moved as many things up there as we could. The large conference room for example was initially slated to be on the lower level. We have moved

several of those pieces up top. The ones that are located down below have an immediate function that's tied to people on the plant floor. I mean, if you notice, they don't even have a reception desk. So, anything to minimize the impact of that or--you know--minimize the footprint of the administrative areas on the first floor has--has been tried.

Turbiak: Okay. Thank you for that. And for the Southernmost portion of the manufacturing area, there's a lot of grid area. I--what does that represent. I imagine some kind of dunnage or storage for the processing?

Kritzman: I'm--could you say that again?

Turbiak: This area on the southern part of the manufacturing addition where there's a lot of grid represented, what does that represent in--

Kritzman: That's racking and storage of the 90 million pieces of product that they are shipping out.

Hinz: Yeah

Turbiak: Okay. And all of that racking is needed?

Kritzman: And that's not intended to represent--you know--a final location of the racking, and I know Tim and his team is still working through that.

Turbiak: Okay. You need all of that amount of racking?

Hinz: Yeah, that's actually less than we currently have cause our intent is--because we're gonna go with a modern, higher that we can go up further.

Turbiak: Okay.

Hinz: So, that's actually, from the square footage standpoint, that's less than we currently have at Hubbard.

Kritzman: Right, like we're moving 35,000 square feet from the current building into a significantly smaller footprint by taking advantage of those offerings.

Turbiak: Right. 35-22, right?

Kritzman: Right.

Turbiak: Okay. Can you tell me more about--you said you gave some consideration to splitting it--maybe to separate parts of the property? Maybe some on the back side--the West side versus all of it on the East side. Can you talk a little bit more about why that wouldn't work? And what considerations were given.

Kritzman: Certainly, from my standpoint, the first thing I do is say, okay, we have a number of program spaces that we need to try and accommodate. Some spaces are tied to adjacency requirements. Some spaces are a little more flexible like--you know--there was--what was the commercial in the 80s, there's always room for Jell-O. So, they always had those--what we call jello spaces, they can just--storage can be anywhere.

Turbiak: Sure.

Kritzman: You know--janitor's closet, the IT closet, some of these things are a little more flexible than others. Unfortunately, from a--from a process standpoint, the machinery--you know--the product, the raw materials come in, they are moved to the machines that actually manufacture the piece and the product, are taken from there to a finishing station--a deburring station. There is inspection elements. A lot of those embedded machines are on the back side of the facility where the raw materials are coming in, and it's the natural flow of the manufacturing process that we are trying to extend. Trying to do that on the back side of the building would not only be a--a workflow difficulty, accessing that part of the building because of these sunken elements where the hydraulic fluids are kept, where the oil is kept, there's large sunken areas where there's separation grading, so, I mean, there's--it's a bit of a greasy spot here and there. Physically, where the building is accessed through overhead doors, the transformers that are back there, there really was not a logical space to put an addition off the back.

Turbiak: Okay. And forgive me for this question, please remind me why you need to consolidate. Why you have to get out of the Hubbard location--Hubbard plant.

Hinz: So, there's inherent inefficiencies and problems with just trying to maintain two facilities. We--from an administrative standpoint, it's difficult to do it in two different facilities. We also have flow problems. If we--if we have a problem in one plant, we can't move people to the other half of the plant.

Turbiak: Thank you for that. That's all my questions at this time. Thank you.

Boloven: Mr. Chair.

Baringhaus: Mr. Boloven.

Boloven: Question for the petitioners. Planning has no flags on this? I mean, I looked at our previous minutes and I just ZBA, but I can't imagine an expansion this size isn't gonna get flagged by somebody else along the way, but it seems like you guys are here already, so.

Kritzman: So, we had initial discussions with Mark Tormina because of the location of the project and it being in the industrial corridor, and the parameters that are set forth in there, this would likely go to an administrative site plan approval process, not a full planning commission process. So, it's a little out of the norm. It doesn't necessarily go through city council either.

Boloven: Right.

Kritzman: So, his intent was to get it to come here prior to us investing in the full engineering and architectural portion of the project.

Boloven: Have you sought Livonia Police Department's analysis on sight lines as far as coming this close? Is there gonna be any issues?

Kritzman: From the police department's perspective?

Boloven: I mean, as far as inspection on your 20 feet deficient from your--could you for see anything like that?

Kritzman: We certainly have not engaged the police department, and I guess I hadn't anticipated--

Boloven: I guess--is that part of the process normally? Correct me if my wrong. What's the inspection that the LPD does on site lines?

Neville: Corner lots.

Baringhaus: Normally corner lots.

Klisz: Fences.

Boloven: It's just corner--

Kritzman: A lot of times we'll get traffic to weigh in on those things.

Baringhaus: Corner lots, fences, landscaping, anything that's traffic obstructing potentially.

Boloven: Okay. Thank you, Mr. Chair.

Baringhaus: Thank you. Any other questions?

Testa: Mr. Chair.

Baringhaus: Mr. Testa.

Testa: Mr. Kritzman, you were talking about the fire hook up, where the water lines for the fire--where exactly in the building is that--would that be the Southeast corner?

Kritzman: No, it's in the Northeast corner.

Testa: Northeast corner, okay.

Kritzman: Yeah.

Testa: So, the addition's going to go North to South and on the South end it's gonna stick out further past the existing building, correct?

Kritzman: Yes.

Testa: Could you not wrap that addition around on the South side of the building a bit?

Kritzman: It is theoretically possible I guess to put in--you know--some bit of flexible element like the racking or something, but they--

Hinz: The truck well there--

Kritzman: --the truck well like theoretically could move a couple feet back, we honestly wouldn't be gaining much because your--your lateral distance, we'd maybe gain a foot or two off the front, and we're gonna continue to explore that. While we may be asking for a variance for the 20 feet, if we can get away with only using--you know--if we can get away with using less than that, it's the intent. There is an existing transformer on the South side of the building. It becomes problematic.

Testa: Okay.

Kritzman: So, we have pulled that addition as far to the South as we can two-fold, one, to try and limit how far we're coming out to the building, but also to protect the existing electrical service. And I don't know if you're able to pull that up on--on Google Maps, but you can see that as it is, we're a little concerned about the trucks backing up into the transformer.

Testa: Okay. And--

Kritzman: There's multiple transformers on the sight. It's pretty intensive use.

Testa: And you cannot extend North anymore because of the issue you talked about in Mr. Turbiak's questions, correct?

Kritzman: So, to the North, we run into the drain route (inaudible) quick. I mean, it's--it's somewhat inefficient to even consider a U-shaped addition around the building, although, I mean, if that's what we found ourselves doing, we could explore that. I think the opportunity that we do have to the North--you know--you see there's a couple elements that have been pulled out. We've got the--we've got the vestibule front entrance component pulled out a little bit. We've got the staircase pulled out a little bit. You know--maybe we could bring some more of those elements out a little farther that would allow us to bring that front façade that runs along Inkster, maybe we're able to bring that in another foot--something to that effect. And we can--we can fight and claw for as many of those inches as we can.

Testa: Okay. And you're obviously reading my questions correctly. I'm trying to minimize that--

Kritzman: I spent a fair bit of time pushing and pulling on the geometry on this thing so, I--

Testa: I--yeah--

Kritzman: The farther you go left and right, it is helpful, but for--let's say you pull it out a foot to the right, you're really only pulling that front façade back like three inches.

Testa: Okay. I'm comfortable with how you're answering my questions and the explanation you gave. Have you guys bench marked any other buildings kind of in this industrial area and compared how close they are to the road versus what you're proposing?

Kritzman: So, if you wanna talk about like the immediate area, sure. There's the vast majority of building in that area are 20 feet off the road--

Testa: You're talking on the Redford side?

Kritzman: They're also in this jurisdiction to East that doesn't necessarily weigh in on your decision making. So, it certainly doesn't feel out of place from our corridor perspective. It--it's--once you get off Inkster Road and the setbacks change, yeah you see this all over the place. I mean, you go driving back through Industrial Drive and it's 20 feet off the edge. I understand we're not in that position, but--

Testa: Yeah, I quickly looked at like Middlebelt, Merriman, Farmington, Levan, Stark--there's a couple that are close--

Kritzman: And you'll see other mixed uses or elements that are pulled closer than the 50-foot setback--you know--if you look at--you know--the--the Consumer's Energy C and G Station is closer than 50. I mean, there--there's smaller pieces like that, but it's not until you get into those smaller pieces that you see that setback.

Testa: Okay. Thank you.

Baringhaus: Okay. Thank you. Any other questions? Okay, very good. Is there anybody in the audience that would wish to comment on this project? Okay, very good. Mr. Secretary, will you please read the letters?

Klisz: There are no letters.

Baringhaus: Okay, there are no letters. Okay, terrific. At this point, we'll just ask you for a closing comment on your variance request.

Kritzman: Well, first off, we appreciate you guys listening this evening. I mean, obviously we've had a chance to prepare something that summarizes our statements quite a bit. In just having a brief conversation with Mr. Mocer, we're gonna explore as much as we can building that out to the North so that we can minimize how far we are going in the other direction. I mean, our--our desire is to stay here on this site and make it work. If we could find a practical way to minimize our footprint, we're gonna--we're gonna continue to explore those options, but we would like to opportunity to explore that with as much as a 20-foot setback variance.

Baringhaus: And what is your proposed start time on this project?

Kritzman: Depends who you ask.

Baringhaus: Yeah. You're good with either, right?

Kritzman: Yeah. I mean, these guys could speak to more specifics on the timeline--you know--they're--where does this project sit right now--that project status page, these guys have been working on it for a long time. They have a ten to fifteen year lease already in place that they've been negotiating. We've taken the architectural design far enough from a test fit perspective to know that it works within the parameters of their program requirements and their process requirements. It works from his standpoint of, hey I gotta own this thing and make it work. The guy who's really in charge of all the numbers and the construction costs is sitting in the back row back here, and he's starting to sweat at this point. But they're ready to move--start--to move forward as quick as possible. I don't know that they have a projected start date on the construction date, but it's--from a design perspective, gonna be at least a 90-day process. I honestly see the engineering side of things potentially taking a little bit longer from a design and approval standpoint.

Baringhaus: Okay. Very good. Mr. Testa.

Testa: I'm sorry, I might have missed it. What would you do if approved with the other building?

Kritzman: You guys don't own the other building--

Testa: Oh, you don't?

Kritzman: --so they would be vacating that building--

Testa: Okay.

Kritzman: --and it would go back to the landlord, which--

Hinz: Yeah.

Kritzman: --creates another opportunity for the city to pull in another business.

Testa: Thank you.

Baringhaus: Okay. Thank you. Any other questions or comments for the petitioners? Okay, thank you very much. At this point--you can probably just stay there--at this point we will close the public portion of the meeting and begin the Board's comments with Mr. Boloven.

Boloven: One, thank you for investing into the community. I--great presentation. You hit a lot of the points and questions that I had. I think the biggest item is--what you say is your biggest obstacle, is the sight constraint there, and that's the hardship that I find. You know--what--what's

this Board really looking at in this room, it's the 20 feet setback from the street, and looking at the corridor, as you said, although it's not all Livonia, it's not out of the ordinary, and especially with the constraint created by that drain for that to be a request. So, I would be in support. I think it's a welcomed addition, and would be good improvement on that area right there.

Baringhaus: Thank you. Mr. Turbiak.

Turbiak: Thank you, Mr. Chair. Yeah, I agree with Mr. Boloven. I think you guys have made a very compelling case. Very professionally presented. Which--you know--obviously all that it rests on, but it sure doesn't hurt. And I think it looks like a very good project. It looks like it's very well thought out. Obviously, I'd like to see you reduce it as much as possible, but I think that the envelope that you're asking for is reasonable for the reasons stated--you know--the open drainage really restricts the buildable part of the site. The existing plant one has equipment built into the ground, and it's not inconsistent with the corridor itself. So, for those reasons I can be in support.

Baringhaus: Thank you. Mr. Morgan.

Morgan: Yes, actually, I--I think this is an excellent project. From what I can tell from these site plans from the sidewalk, it's actually 29 feet from the sidewalk to the new building, and then you have the easement or the area between the road and the sidewalk which gives you quite a bit of room, and I think this--what they're asking for is not unreasonable considering the area that they're in and I think this would be a welcomed addition to the city of Livonia and I would be in favor for this. Absolutely.

Baringhaus: Okay. Thank you. Mr. Testa.

Testa: Thank you. So, in pre-reviewing this case, looking at the file, I was kind of against it just because it was sitting so close to the street. However, your verbal explanation is to the constraints and kind of your packaging envelope so to speak, I understand why. So, I recognize that hardship and I see the hardship I--I can be in support of this. I--I have been playing around, but I did--on Sunday and again here tonight, looking for other buildings kind of representing this similar type of location and setup. There's not many, but this wouldn't stand out too bad, and I know the other side of the street is not Livonia, but it--it's going to fit in with the space, and I think it's going to look fine, and it's going to be better for the community to have you guys at one location and keep you here in the community. So, I can support this.

Baringhaus: Secretary Klisz.

Klisz: I agree with all my colleagues here. I think all thought and consideration has been taken into this proposal. I appreciate it. I get it. Basically every--every question has a good answer to it for the challenges with this particular piece of property. That drainage ditch is definitely the strongest piece, and--you know--we have no neighbors objecting. It sounds like they've reached out to their neighbors, and--you know--if they had questions, they would have already discussed it and nobody from the community is opposed to it. So, is it completely strange for the area? No.

It's not. And is it just a little close? Yeah, but nothing too crazy. I think it--again, all thought has been gone into it. I'm very impressed and I'll be in support.

Baringhaus: Thank you. I agree. I'll be in support as well. First of all, thank you for a very thorough, detailed presentation. It did answer a lot of my questions. I think you've more than proven the hardship with that particular piece of property between the open drain, number of transformers, so on and so forth. I was a little suspect on the setback, but again, going through that area on Inkster Road, it isn't uncharacteristic for it, and I think it's a very positive project for the city of Livonia. I think this project could serve as a catalyst maybe for other businesses in the area to maybe step up their game a bit. I think you've solved a number of problems. That current facility you're in on Inkster is a little dated. It's getting a major freshening up. Also, my background is in automotive manufacturing. I understand manufacturing finished product between two locations, extremely inefficient. This will streamline your operations tremendously. And best of all, if I have any questions on automotive fasteners, I can consult Mr. Kritzman.

Kritzman: That is not your best course of action.

Baringhaus: Based on that wording, I will still approve the variance. Thank you. The Chair's open for a motion, please.

Upon Motion by: Turbiak. Supported by: Boloven.

RESOLVED: APPEAL CASE NO. 2021-07-34: An appeal has been made to the Zoning Board of Appeals by MJC Inkster Industrial, LLC, 46600 Romeo Plank Road, Ste. 5, Macomb, MI 48044, on behalf of Lessee, LISI Automotive Hi-Vol, Inc., 12955 Inkster, Livonia, MI 48150, seeking to erect a two-story addition on the front of an existing building, resulting in deficient front yard setback.

Front Yard Setback:

Required:	50.0 feet
Proposed:	29.9 feet
Deficient:	20.1 feet

The property is located on the west side of Inkster (12955), between Schoolcraft and the C&O Railroad, Lot. No. 097-99-0006-000, M-1 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 because of the open drainage restricting the buildable site and because of the significant amount of equipment built into the building itself.
2. Denial of the variance would have severe consequences for the Petitioner because this long-standing business would have to relocate, possibly outside of Livonia.
3. The variance is fair in light of its effect on neighboring properties and in the spirit of the Zoning Ordinance because of no neighbor objections and it is in harmony with the corridor.

4. The property is classified as “Tech and Manufacturing” 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 it be built as presented in an effort to preserve as much of the front yard setback as possible.
2. That permits be pulled within one year of approval.

ROLL CALL VOTE:

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

NAYS: None.

ABSENT: Coppola

Passes: 6-0

Baringhaus: Okay. Thank you. Your variance has been approved. So again, thank you for choosing Livonia and thank you for improving our community and best of luck to you.

Petitioners: Thank you for your time.

Baringhaus: Secretary Klisz, do we have any minutes to approve this evening?

Klisz: We do not.

Baringhaus: Fabulous. With that, the Chair will entertain a motion to adjourn.

Klisz: Motion to adjourn.

Baringhaus: Motion to adjourn by--

Turbiak: Support.

Baringhaus: --Mr. Klisz. Support by Mr. Turbiak. All those in favor say aye.

Board: Aye.

There being no further business to come before the Board, the meeting was adjourned at 8:23pm.


James Baringhaus, Acting Chairman


Timothy J. Klisz, Secretary

/vcb CEO 9489