

ZONING BOARD OF APPEALS

CITY OF LIVONIA

MINUTES OF REGULAR MEETING HELD TUESDAY, SEPTEMBER 14, 2021

A Regular Meeting of the Zoning Board of Appeals of the City of Livonia was held on Tuesday, September 14, 2021.

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

MEMBERS ABSENT: Gregory G. Coppola
Timothy Klisz

OTHERS PRESENT: Jim Albus, Inspection Department
Michael Fisher, Legal Department
Valerie Bertani, CEO 9489

The meeting was called to order at seven p.m. Chairman Baringhaus explained the Rules of Procedure to those interested parties. Each petitioner must give their name and address and declare hardship for appeal. Appeals of the Zoning Board's decisions are made to the Wayne County Circuit Court. The Chairman advised the audience that appeals can be filed within 21 days of the date tonight's minutes are approved. The decision of the Zoning Board shall become final within five (5) calendar days following the hearing and the applicant shall be mailed a copy of the decision. There are four decisions the Board can make: to deny, to grant, to grant as modified by the Board, or to table for further information. Each petitioner may ask to be heard by a full seven (7) member Board. Five (5) members were present this evening. The Chairman asked if anyone wished to be heard by a full Board, Ken and Melissa Burns requested to be adjourned. 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 nine (9) people present in the audience.

(7:00)

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APPEAL CASE NO. 2021-05-18 (Rescheduled from August 10, 2021): An appeal has been made to the Zoning Board of Appeals by Ken and Melissa Burns, 29991 Munger, Livonia, MI 48154, seeking to construct an addition onto a detached garage, resulting in excess accessory building area.

Accessory Building Area:

Allowed: 920 sq. feet

Proposed: 1511 sq. feet (att. garage: 686 sq. feet, detached: 495 sq. feet plus addition)

Excess: 591 sq. feet

The property is located on the south side of Munger (29991), between Henry Ruff and Middlebelt, Lot. No. 053-01-0055-001, RUF Zoning District. Rejected by the Inspection Department under Livonia Vision 21 Ordinance, Section 7.09(1), A, "Single-Family Residential Accessory Buildings and Recreational Equipment Storage; Maximum Size."

Case was adjourned to appear in front of a full Board.

APPEAL CASE NO. 2021-09-39: An appeal has been made to the Zoning Board of Appeals by Dennis, Elaine, Aleta Lockhart, seeking to erect an attached garage, resulting in deficient south side yard setback and deficient combined side yards.

Side Yard Setback:

Required: 6.0 feet
Proposed: 3.6 feet
Deficient: 2.4 feet

Combined Side Yard Setback:

Required: 16.0 feet
Proposed: 10.1 feet
Deficient: 5.9 feet

The property is located on the west side of Filmore (18265), between Myron and Irving, Lot. No. 033-01-0334-000, N2 Zoning District. Rejected by the Inspection Department under Livonia Vision 21 Ordinance, Section 3.05, "N2 Neighborhood District; Dimension Regulations."

Baringhaus: Okay. Thank you. Will the petitioners please approach the podium? Good evening.

Lockhart: Good evening.

Baringhaus: Okay. Would you please state your name and address for the record?

Lockhart: My name's Dennis Lockhart. I live at 38015 Parkhurst Street, Livonia, 48154.

Baringhaus: Okay. Very good. Yeah, would you please state your petition to us--I'm sorry, before we begin though, are there any questions from the Board for the law department?

Turbiak: Mr. Chair.

Baringhaus: Yes. Mr. Turbiak.

Turbiak: Yes, through the Chair to Mr. Fisher, Mike, I was wondering why this property is zoned "N-2" formerly zoned "R-3." The width of the lot appears to be 55 feet. The average depth appears to be just over 101 feet--you know--so the square footage is well under the 6,000 that's even required for our new ordinance which would be an "N-1" zoning, but it's currently coming before us under the "N-2" zoning, and like I mentioned, it was previously the "N-3," so I can see how the--the "R"--I'm sorry, "R-3"--the "R-3" could probably just by default converted to an "N-2" so I don't know where you wanna approach the question--you know--the former or the current zoning, but it seems undersized for the zoning that it's being given.

Fisher: I think you're correct if you consider this lot in isolation, but if you look at the zone map, the part that's "R-3," most of those--it's shown as "R-3" because it's in--still the old zoning version. Most of those properties appear to be "R-3" size, so there are--since these decisions are made wholesale and not individually, and certainly not by the lot, that--that's the explanation for that. In fact, with the new standards, you've actually

moved slightly closer to being conforming with this lot, so there's that too. But no, the real--the main thing is they didn't go through this neighborhood to pick out a specific zoning for a specific lot. There it's broad rush.

Turbiak: Okay. Does it typically need any kind of a variance since it doesn't even meet the minimum area requirement?

Fisher: Well, it presumably would have--I mean, I don't know how long ago this lot was built on, but it could have had a variance at that point.

Turbiak: Okay.

Fisher: It's not--but whatever the case is, we're way past the point where there would have been any kind of ZBA hearing based on the lot size.

Lockhart: I believe it was built in the 40s--the house was. It's quite old.

Turbiak: Thank you. Thank you, Mr. Fisher. That answers my questions.

Fisher: You're welcome.

Baringhaus: Okay. Any other questions for the law department? Any questions for the building inspection department? Okay. Very good. Thank you. Now, if you could please state your petition to us.

Lockhart: Okay. We bought this house--as you know, this neighborhood is an old neighborhood with a lot of older homes. It seems--I've heard from other people that each time somebody wants to do some improvement on it, because Livonia has been updating its building code, that it--the people almost always have to come to the zone Board for it. What we wanna do is we wanna attach a garage to the side of the house. The reason we wanna do that is that our daughter, Aleta, lives there. Aleta's 34 years old and she's totally disabled by social security since age 22. She has multiple sclerosis, and she has schizophrenia. As Elaine and I are aging, we're concerned that later when we're gone that she's gonna deteriorate to the point where she's going to--it'll be beneficial to her to be able to pull her car into a sheltered garage that's attached to the house, so in the event she needs the wheelchair to get in, she'll be able to do that in the garage. A mitigating factor to all of this is our neighbors to the South, they have like eighteen feet between the lot line and the edge of their garage. So, there's--not that we can use their space, but even--it'll--there's a lot of space between the houses on that side if you allow us to build a garage. We bought this house about eight to ten years ago and at that point, the house was not inhabited. It was not certified for people to live there. We fixed it up. I think you might have a picture of the before and after in the agenda package. What we've--we've done a lot with the house. It looks really nice. We'd like to continue to improve it with this garage attached to it. Looking at the other houses in the neighborhood, we think that our request will be very consistent with all the

other houses in the neighborhood. And so, we respectfully ask this Board to approve our request for this variance.

Baringhaus: Okay. Do you know the age of the home? When it was built approximately?

Lockhart: I think it was in the 40s. 46. Yeah, I think it was like 1946.

Baringhaus: And it's a bungalow style type of home?

Lockhart: There's no upstairs.

Baringhaus: No upstairs. Okay.

Lockhart: It's a single floor. It's about 900 square feet.

Baringhaus: Okay.

Lockhart: There's no basement. It's a really small house actually. The previous people who owned it before us, they put like a family room on the back of it, which helped with the space, but the place has about 1,000 square feet to it with no basement to it and no upstairs.

Baringhaus: Could you describe the proposed garage?

Lockhart: What we wanna do is have--we're hoping to have like maybe a car and a half in there. Enough where a car can pull in and the passenger door can open and then she would be able to get in and out comfortably. So, what we're figuring is that it would be sixteen-foot wide and 29 feet deep. With the sixteen-foot wide, that gives us the four-foot on the side--the South side of the house and that's where the--the shortage is.

Baringhaus: And then what type of structure are you currently storing your car in or your vehicle in?

Lockhart: She has--we have a car port there. We put a carport up last summer. It's just a flimsy little carport. No walls on it.

Baringhaus: Okay. Very good. Thank you. Any other questions?

Turbiak: Mr. Chair.

Baringhaus: Mr. Turbiak.

Turbiak: Yeah, through the chair to the petitioner, Mr. Lockhart, I heard you say a second ago that it was sixteen feet wide. On the drawing that's in our packet, I'll give the

page number in a second, it said--you know--near the front of the garage it was sixteen feet wide, but interior it said nineteen point six. Can you explain that? Do you know what I'm referring to?

Lockhart: Can I look at what you're looking at? I didn't bring--

Turbiak: Sure.

Lockhart: --with me.

Turbiak: Yeah, you can-- technically, it says nineteen-foot seven inches and it's page nineteen, I think.

Lockhart: Yeah, it's--that's the distance from the property line to the edge of the house is that nineteen seven.

Turbiak: Ahh, okay.

Lockhart: That's the space that we'll set the garage into. It's a sixteen-foot garage.

Turbiak: I see now.

Lockhart: So, that's leaving about four-foot. I think it's three point seven feet--

Turbiak: Yep.

Lockhart: --between the edge of the garage and the property line.

Turbiak: Three-foot seven inches, yeah.

Lockhart: And then we would propose a sixteen-foot garage to put like a ten to twelve-foot garage door on it, leaving the space between--toward the house side of the garage so the passenger door can open up all the way.

Turbiak: So, that's my question. Would she be--you know--in the future even that she's using a wheelchair and accessing the vehicle, would she be entering from the passenger side of the vehicle?

Lockhart: At that point, she probably would not be able to drive I would suspect.

Turbiak: Okay.

Lockhart: It--that's my--my--my suspicions, that if she gets to the point where she's wheelchair bound, she probably wouldn't be able to drive. She probably would have to have somebody care for her.

Turbiak: I see. Does she currently have someone caring for her or someone that would be driving her?

Lockhart: She's engaged. She has a fiancé, yes.

Turbiak: Oh, congratulations.

Lockhart: Thank you. Thank you.

Turbiak: And to you. A future son-in-law.

Lockhart: Yeah.

Turbiak: How did you come up with the width of sixteen and had you considered any other options that are slightly narrower?

Lockhart: Well, we did consider. We started looking at fourteen, but the more we looked at it, we thought that it wouldn't give the clearance to get her in and out of the car--is our only concern.

Turbiak: Okay.

Lockhart: And so, we thought if we were violating the code, we might as well violate it at sixteen feet instead of fourteen feet.

Turbiak: I understand. I understand. Okay. That's all the questions I have. Thank you, Mr. Chair. Thank you, Mr. Lockhart.

Boloven: Mr. Chair.

Baringhaus: Mr. Boloven.

Boloven: Has there--question for the petitioner, has there been any consideration to build the garage behind the house?

Lockhart: Yes. We--we've had that conversation amongst us. We would prefer attached to the house for the reasons of--of Aleta getting into the house. If you--if the Board were not to grant our variance, then we would revert to putting it in the backyard. We would prefer not to do that though.

Boloven: Thank you.

Baringhaus: Okay. Thank you. Mr. Morgan.

Morgan: Yes, I have a question for you. The--on the--if you're facing the home there in the driveway and on the left side of the driveway there's a flowering area there.

Lockhart: Yes.

Morgan: Is that--would the garage go right up to the flower bed? Are you leaving that or are you removing it?

Lockhart: I suspect when we're done the flower bed will be destroyed because we'll have to put the front--the foundations in for the garage and everything. So, I suspect that the flower beds--if--the space should be wider than what's existing there for the flower beds, so I think the flower beds now are like two and a half feet wide. We'll end up with a total of almost four-foot between there, so some of the roses may stay in that flower bed, but I suspect they're gonna get trampled when the garage is built.

Morgan: Okay. I was just curious because you have--it's like railroad ties or something that you have out there and then the flower bed type of thing, right? Or is it--

Lockhart: I think it's brick. There's a--

Morgan: It's brick.

Lockhart: --bricks laid down. Like decorative bricks.

Morgan: Okay.

Lockhart: Yeah.

Morgan: Alright.

Lockhart: So, that--that's all going to go.

Morgan: Alright, thank you.

Lockhart: That pains my wife because she loves roses.

Morgan: Oh, you know what, I'm sorry. I do have one more question. The door that would be going into the home--

Lockhart: Yeah. Yes.

Morgan: --where would that be going into in the house? Is that going into the kitchen? Is that the plan? If you moved it back a little further, it wouldn't--where would the door go?

Lockhart: The door from the outside into the garage?

Morgan: No, the door from the garage into the house.

Lockhart: We would use the existing side door. Which is used as the door to the garage. I don't know if you can see that in the photo or not--

Morgan: I do--

Lockhart: --we would be--the house is cinderblock underneath that wood trim, so we're kind of limited in what we can do with the cinderblock. The window that's there will remain and be a window looking into the garage if the Board approves it.

Morgan: Okay. Thank you.

Baringhaus: Any other questions from the Board? I have one question. I was looking at one diagram and it seems like the height of the garage peak is slightly taller than your home. I was wondering what the reasoning is for that.

Lockhart: Well because the garage is 29 feet deep and the house is 24-foot deep, the garage will have a different peak than the house. The peak of it will be higher than the peak of the house. So, we're gonna replicate the angle of the house with the roof and it'll just continue up higher before it starts coming down. If that makes sense.

Baringhaus: Yeah. Okay. Very good. Okay, any other questions for Mr. Lockhart?

Lockhart: And again, we would really, really appreciate if--for this Board to approve our request.

Baringhaus: Okay. We'll have you sit down just for a moment. Thank you. Okay, are there any comments from the audience on the case this evening? Sir, could you approach the podium, please?

Schierlinger: My name's--

Baringhaus: Why don't you get to the microphone.

Schierlinger: I'm Carl Schierlinger, I'm the property to the South of him. I--I understand-- I didn't have a clue that your daughter's handicap. I have no idea about handicap accessibility inside the house. That whole neighborhood, with the smaller lots and the smaller home, if they do have a garage, they are set back so it's not like cumbersome to

look at. I--I'm sorry that you really need to put it on the side of your house. I would say you need to probably get your backyard cleaned up a little bit, put it back a little further, switch it to the right where it's not so cumbersome to look at, and you could still tie a handicap ramp, get in on the right, and come right in the backside. You gotta remove your back porch or what have you. Obviously, it's gonna take some work. I think you need to really think about this. That lot's undersized to begin with. I mean, it's probably gonna be pretty--not a pretty sight to pull in and look at that. Most of the times, you have a lot of open space and that and I'm not really that comfortable with putting a garage--and I can't even tell with the math here if it's gonna be four feet--it's gonna be two feet from the side of my property. It just seems that really your option is probably maybe stick it in the back. Put it back further, tie it into the ramp coming into the back of your house. That would be my suggestion. Other than that, I'm opposed to what you suggested. Thank you.

Baringhaus: Okay. Thank you very much.

Turbiak: Mr. Chair. Mr. Chair.

Baringhaus: Yes, Mr. Turbiak.

Turbiak: Can we question the--

Baringhaus: I'm sorry sir, if you could go back to the podium for a minute.

Turbiak: Sorry. I--

Baringhaus: That's alright.

Turbiak: --should have just spoke up. I was waiting for you to ask for questions. And I apologize, I didn't get your name.

Schierlinger: Carl Schierlinger.

Turbiak: Carl. So, through the Chair to Carl, I--I hear what you're saying that you're opposed to it as proposed. If the petitioner were to reduce it--first of all, to answer your question about how far the current proposal is from your property line, it's three feet seven inches as proposed. If the petitioner were to reduce that, is there an amount that you would find acceptable? That still needs a variance.

Schierlinger: I--I see in the future he's gonna really have a problem maybe accessing his backyard, I mean, for any type of workmanship. The other side is six feet, and your average truck is a little bit wider than six feet. So, he's gonna have problems--you know--even accessing the back of his property. I didn't know the depth of his garage, I mean, I--I understand the--I think he probably needs to work at clearing up his backyard and

actually seeing where he can actually place this. And it seems like if he says he has sixteen feet--you know--I imagine, a way he could scoot it--he could have the garage--I--I'm sure we can accommodate a legal garage, but he still doesn't have the lot size to do it.

Turbiak: So, I hear what you're saying but more to the question, is there a distance from your property line that would no longer be concerning to you?

Schierlinger: Well, I--would it get through there with a lawnmower or wheelbarrow or--

Turbiak: Well, again, my question is--I'm sorry--

Schierlinger: I--I would just--I think--

Turbiak: --in concern for you, and I understand he might have difficulties--

Schierlinger: I just think it's very cumbersome with his location when I know he could probably put it in back and actually satisfy pretty much every variance. I don't see an issue with it.

Turbiak: Okay. Thank you.

Schierlinger: I--I think it's just maybe a little bit more--more work, but I don't think his lot's big enough to put a garage on anyhow.

Turbiak: Thank you. Thank you.

Schierlinger: Sorry.

Boloven: Mr. Chair.

Testa: Mr. Chair.

Baringhaus: Sorry, sir, can you--

Schierlinger: Again?

Baringhaus: Mr. Boloven has some additional questions.

Boloven: Thank you. Sorry. Question for the neighbor. Is that--do you live in that home or is that a rental?

Schierlinger: It's a rental property.

Boloven: Rental property. And you currently have a tenant in there?

Schierlinger: Yes.

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

Baringhaus: Okay. Thank you. Any other questions?

Testa: Mr. Chair. Can--

Baringhaus: Mr. Testa.

Testa: Through the Chair to--to the community member, can you confirm your address? I wanna make sure--you're 18253?

Schierlinger: Filmore.

Testa: Okay. Thank you. And then, there's a shed in the backyard right now, and it looks like it's probably a few feet from your property line and the proposed garage would be further away from the property line than your--than your shed.

Schierlinger: It's not my shed.

Testa: Sorry, his shed. So, his shed, to your property line is a shorter distance than what the garage would be.

Schierlinger: I don't--I don't know any--what the variances are--on sheds are. I--are you saying the shed is legal?

Testa: I'm just--my point being is that there's already a structure there that's close to your property.

Schierlinger: Yeah, but it's set quite a bit back from the road where it's not--

Testa: Point taken.

Schierlinger: --visually cumbersome. I mean, I'm trying--there's no homes in that neighborhood that would actually have an attached garage with a height to look like that. I mean, this is not--you know--this is Livonia and that's a very--if you look in the neighborhood, if there's lots that are cumbersome and small, the--the garage is always set in back.

Testa: Okay.

Schierlinger: He could probably "L" shape it and tie it into his house with a--I don't know if he has handicap bathrooms--accessibilities or what the future's gonna bring for this situation but--you know--it's not gonna be a temporary thing if you put it up now and it's visually gonna be unsightly to me.

Testa: Okay. To your point regarding having a back garage, are you proposing that as like a side garage where the car would come in and turn into the garage behind his house?

Schierlinger: I--I believe he could probably pull straight through his driveway, have an eight-foot garage door, and have one foot--that'd be nine feet and then the rest of his garage could extend the other part to handicap right into the back of his house. I mean, I'm not a designer or an architect but apparently the lot's pretty small there and for--to put a garage--garage right up front--right--you know--I mean, it's--

Testa: So, basically--

Schierlinger: --visually it's gonna be pretty--pretty cumbersome.

Testa: So, basically, you're proposing the garage would be back by where the shed is?

Schierlinger: Tied into the back of his home just switched over, yeah. I--I don't see a problem. I mean, I'm not an architect, but the lot size is still too small for that, so, maybe that--that's probably a venue he should look at. It would be more pleasing to the neighborhood and the eye and myself.

Testa: Okay. And on your property do you have a garage?

Schierlinger: Yes.

Testa: Is it attached?

Schierlinger: Yes.

Testa: Okay. Thank you.

Baringhaus: Okay. Thank you, sir.

Schierlinger: Thanks for your time.

Baringhaus: Are there any other audience members that wish to make comments? Okay, thank you. Mr. Boloven, will you read the letters, please.

Boloven: Yes. One letter of approval. Peter and Constantin Tzilos. 18277 Filmore, (Letter read.) That is all, Mr. Chair.

Baringhaus: Okay. Thank you, Mr. Boloven. Mr. Lockhart, will you come to the podium and make a closing statement please.

Lockhart: I--I want to clarify that there is a shed on the property back there and if the garage were to be located back there, the shed would have to be removed, and as you pointed out, the shed currently is closer to the property line than the garage would be.

Baringhaus: Okay. Thank you--

Boloven: Mr. Chair. Sorry, one last question for the petitioner.

Baringhaus: Sorry, sir, if you could come back to the podium, please.

Boloven: So, little supplement to my first question to you sir, is there any way with the back of your property--with the space that's behind the house, could you develop an attached garage in that back area?

Lockhart: Yes.

Boloven: Would that be something you're willing to do?

Lockhart: Well, we would prefer to have the attached for all the reasons that I've stated. Because my daughter's MS.

Boloven: No--No. Attached to the back. Could you do an attached garage to the back of your house at all?

Lockhart: There's a big tree there. It would--are you saying to pull in--turn into a garage?

Boloven: Yes. I'm asking is there any way that you could do it with your current lot space--do an attached garage on the back?

Lockhart: I would say no. There's a deck there. There's a family room there. There's not enough room to turn a car into a garage. So, you're--you're proposing we'd have to do a right hand turn into a garage?

Boloven: It'd be--it'd be a side entry garage.

Schierlinger: You could pull straight into it.

Boloven: Sir. Thank you.

Lockhart: I--I can't even visualize what that would be. If we couldn't do an attached garage, we would propose to do an unattached garage. And it wouldn't be a turn, it would be a straight into the garage. If that makes sense.

Boloven: Right, but then you--you're gonna have similar issues that you're having here, if you're removing the shed and have a straight in. I--I get what you're stating. I'm saying have you evaluated potentially putting in a side entry attached garage in the back--

Lockhart: No. Because we would have to remove a humongous tree to do that.

Boloven: Would that be something you're willing to investigate.

Lockhart: No.

Boloven: Okay. Thank you.

Baringhaus: Okay. Thank you very much.

Testa: Mr. Chair. Sorry.

Baringhaus: I'm sorry.

Testa: Can I ask a couple questions, I'm sorry.

Baringhaus: Sir--Mr. Lockhart, I'm sorry I let you go back there.

Testa: So, because of your neighbor's comment, I now have a couple questions. The--the way your garage is draw now--or the proposed garage is drawn now would be 35 feet from the road or from the front--front of your lot. Is there anyway you could push that further back to be in line with the house or set back from the house?

Lockhart: If that's what the Board would approve then yes, we would do that. We would prefer the five-foot to be out in front of the house, but we could also do it behind the house too.

Testa: Okay. Can you explain why it's in the front right now?

Lockhart: Well, part of the reason is that we wanted to have a door entry into the garage from the front of the house, and so what we've done--because we're gonna be blocking up the door into the house inside--that'll now be the door from the garage into the house--in order to get into the garage without opening the big garage door, we were gonna have a regular door that could open with that five-foot extension area. So, as you're standing at the street looking at the garage door, you'd walk up to it, and you'd

have to go around this way to get to the door to get into the garage. The single-entry door.

Testa: Okay. Do you have a back door on the house?

Lockhart: It--it's a side door.

Testa: Okay. So, in the back of the house there's no door?

Lockhart: There's a door wall in the back of the house. There's three doors. There's a door in the front. There's a door on the side. And then there's a door wall in the back I guess you'd say.

Testa: Okay. So, if you had to push the garage--you know--back five to ten feet, you would just lose your door up front, but you could put that door in the back technically, right?

Lockhart: Well, the hope was to have something--an entry from the street without having to open up the big garage door. We would have to go around I guess to go into the side door into the garage.

Testa: You could put a side door on the garage though too, right? Put a side door on the garage.

Lockhart: That's our plan. Yeah. Am I answering this right?

Baringhaus: Mr. Turbiak.

Turbiak: Are you done, Mike? Mr. Chair--through the Chair to Mr. Lockhart, sorry, just to understand, I--just to kind of piggyback on what Mr. Testa was saying, could you put that side door that you currently have planned on the--that's on the North side, could you put it on the South side if you were shift that garage back so that it couldn't be on the North side.

Lockhart: Yeah. I guess we could. Could--yeah--okay.

Turbiak: So--so, it sounds like the--the original reasoning for having it put forward is not so much of a concern, you could push it back.

Lockhart: Yeah, we would prefer--now what'll happen when we push it back is it's gonna create like a--a canyon or something in there where we currently have a deck. There'll be the family room and then there'll be a garage and in between the two will be the remainder of the deck with the door wall. So, we thought that it would be so shadowy and so dark that we'd prefer to have the five-foot extension out the front of the house,

but if the Board has difficulty approving that than we would certainly take the back of the--the five-foot out the back of the house too instead.

Turbiak: Okay. Yeah, I think I see what you're saying. You--you create like a little alley way kinda niche in there.

Lockhart: Exactly.

Turbiak: You could consider--and again, I'm no carpenter but I think it wouldn't be too hard to just extend that garage that--to cover than five feet and it would give you more storage space. Maybe shelves would fit nicely in there. I don't know. Because I--I hear what the--the neighbor is saying about the concerns that it would stick out so close to the street and it would be kind of unsightly, maybe cut down some sight lines. Another thing that I originally thought--now I see what--why you got--had it sticking out the front and then I noticed that it looked like the back roof line tied into the other roof line, so I think that's how you came up with the 29 feet depth.

Lockhart: Yes.

Turbiak: And then, consequentially, because of maintaining the same pitch on the roof that draws--drives your roof height to be higher as Chairman Baringhaus pointed out earlier, so, I'm wondering if we were to--you know--obviously not here in tonight's meeting, but--you know--if we were to table this so you could come back with a proposal that maybe considers pushing it back, shortening the overall depth so that the overall height comes down--because I think that looks a little awkward/ Just one Board member's opinion. You know--you could potentially even push it back so far that it's maybe even behind the front of the house and then you could still have a covered space. I don't know, again, what dimension you'll look with what the measurements are required, but you really just need to get your vehicle in, which was mentioned a truck is a little over six feet. A minivan's about six feet. So, and again, of course you need some driving space, but point is, I think you have--without doing measurements and calculations and finding out, I think you could get a drive--a straight on approach garage that's pushed slightly back, that's not in the back yard. It still has an access point to your kitchen door because that's near the back of the house anyways. So, I mean I guess to--to summarize on, it seems like consideration for pushing the garage back, maybe shortening it overall, keeping it attached to the side, and maybe--maybe that alleviates any concern from the neighbor because that's--that's a little bit of concern for me. And--and also I did the math. I think fourteen feet would be enough. Maybe if you can get away with less because again, a vehicle is only like six feet wide--you know--you need probably eight, just so you have default two on each side, so that's eight, and you're proposing sixteen, which is an additional eight. And--and for a wheelchair maybe you need another four or five, so eight plus five is thirteen. I think thirteen to maybe the fourteen that you originally considered is doable with a wheelchair. Again, I--I have to

admit I haven't tried it out, but it seems like what you're asking for is--is more than needed. And I--I guess I'm straining to the opinion section so I will stop my questions at this time. Thank you.

Lockhart: Can I respond? If the Board were to approve 24-foot, we would be happy. If you didn't approve the 29, we would be happy with 24-foot.

Turbiak: Okay. Well--

Lockhart: We'd like to keep it to sixteen.

Turbiak: --so, the depth plus the width--you know--is relative to the square footage and I don't think you have any concern with square footage, that's also a variance number that--you know--if you go over a certain amount.

Lockhart: Right. I calculated it.

Turbiak: So, I'm not trying to make it shorter in depth because of area or anything like that.

Lockhart: Right. For aesthetics.

Turbiak: It's more about the aesthetics of the height--you know.

Lockhart: Yeah, we thought the five-foot wouldn't be unaesthetic. We thought that would fit right in with the right of the neighborhood, but we--we would be okay with 24-foot if the Board wanted to do that.

Turbiak: Okay. And again--I mean, I think it--you'd have to look at in context of the full plan. Again, I'm not opposed to 29 feet and having it a little higher--you know--you could create the same thing, maybe the opposite. Maybe the front roof line matches or something like that. Or maybe it looks nice to have it back. And again, I'm no architect. I think your neighbor is though--

Lockhart: Yes. Yes.

Turbiak: --so, he probably has some good advice. Okay. Thank you.

Lockhart: So--so what does that mean. Will the Board--

Baringhaus: We'll you'll hear that in a moment.

Lockhart: Okay.

Baringhaus: Okay, thank you. You can have a seat now. Okay. At this point we'll close the Board's--audience comments, and we'll begin the Board's comments. And we'll start with Mr. Morgan.

Morgan: Yes. I--I would be in favor of tabling this and the reason is because I think that we need to look--I would be in favor if this was pushed back so it was more aesthetically pleasing and if you either reduce the garage size so it was more level with the front of the house and that would bring the peak down hopefully a little bit, but I--if you pushed the entire thing back toward the back of the house, I think that would make it more easier to understand and I think we--I think I would be okay with that if it was pushed back a little bit. But it just sticks out too far right now and it's--it--I think it would be an eye sore. I kind of agree with the neighbor to the South a little bit, so.

Baringhaus: Okay. Thank you. Mr. Boloven.

Boloven: I can agree with Mr. Morgan. I--I'm not in support as it's currently written. Specifically, because of the neighbor's strenuous objections to the way it's presented. Looking at the photograph--you know--going along the line of what Mr. Turbiak was saying, I do think there's a way to achieve it and it may have to get rid of the shed, but I think if you go to the back of the house, coming up to the kitchen door, you could accomplish that attached garage still while also maintaining it far enough back to appease the neighbor. But as it's currently presented, obviously with the objection, I would not in support. I would support a tabling to try to bring it back to the drawing board and come up with another plan that fits within the recommendations tonight. Thank you.

Baringhaus: Thank you. Mr. Turbiak.

Turbiak: Yeah, thanks. I'm also gonna be in support of tabling this one tonight. I--I don't have so much a problem with the height or the area of the garage, but I think the distance from the street, how it sticks out in front of the house and the--obviously the side yard setback which is the variance that we're here to mainly discuss tonight, are--are still concerning. I think that the hardship is there, but I think this is requesting more than it's really needed and I don't think that this is a case where we really want to be excessive in our variance. It's hard to name a case when we want to be, but I--I think it's very hard for me to--to accept--you know--as proposed tonight. So, for those reasons, I will be in support of tabling to present a new option.

Baringhaus: Okay. Mr. Testa.

Testa: Ah, thank you, Mr. Chair. So, I'm torn on this one. I completely understand the need for the garage, and I appreciate the explanation for the size of it. I do agree with my other Board members regarding I can't--I can't approve it as it. I would like to see modifications made to the proposal. Echoing some of the other comments, pushing it

back slightly to be at least in line with the front of the current house or even a little bit further back. I--as I look, I went on 3D maps, it's been--I drove by last week. This is the--obviously the smallest house in the--in that area of that subdivision. At least that little corner area. I think adding on an addition to the front makes it fit in better with what's already there. The neighbor to the North, their--their house kind of fits up the full width of the--their lot size, and then the neighbor to the South, there's a big distance between his house--it's a pretty wide house comparatively, and then a big distance to the lot line. I would like to encourage you if you do come back with a second proposal or another proposal that maybe try to review it with your neighbor to the South and the North. I think based on the comments from your neighbor to the South, maybe he didn't quite see the full plan. Maybe he didn't quite have enough time to review it. But I think you guys could work something out that could be satisfactory. And please consider a side entry garage. A lot of the newer homes built in Livonia have them. I think come in and turn and--so, from the street, the garage wouldn't be viewable basically. You'd only see it from the side. And also, regarding your shed, if you have to lose your shed to put on this garage, I think I could be open to coming in with a proposal on a garage that's slightly bigger to account for that lost shed and then maybe we stipulate no additional out structures. You can't have a shed after, but you'll get a slightly bigger garage to account for your shed being lost. I think would be a trade off that you could propose. Thank you.

Baringhaus: Okay. Thank you. I'll agree with my colleagues on the Board. I'm in favor of tabling your request for a variance this evening. Filmore is a very interesting street, but it's also a very challenging street with a lot of curves, very narrow, but it's very attractive. I think just listening to the Board's comments tonight, I think you're very--very close on your design, obviously there's an interest on the Board members to see a revised design with your garage maybe pushed slightly back so you don't--it's not protruding at five feet but maybe a little softer incursion into your front yard, so, at that point, I'll ask the Board for a motion.

Upon Motion by: Testa. Supported by: Turbiak.

RESOLVED: APPEAL CASE NO. 2021-09-39: An appeal has been made to the Zoning Board of Appeals by Dennis, Elaine, Aleta Lockhart, seeking to erect an attached garage, resulting in deficient south side yard setback and deficient combined side yards.

Side Yard Setback:

Required: 6.0 feet
Proposed: 3.6 feet
Deficient: 2.4 feet

Combined Side Yard Setback:

Required: 16.0 feet
Proposed: 10.1 feet
Deficient: 5.9 feet

The property is located on the west side of Filmore (18265), between Myron and Irving, Lot. No. 033-01-0334-000, N2 Zoning District. Rejected by the Inspection Department

under Livonia Vision 21 Ordinance, Section 3.05, "N2 Neighborhood District; Dimension Regulations," **be tabled to allow the petitioner to make modifications to the petition and review it with neighbors.**

ROLL CALL VOTE:

AYES: Tubriak, Testa, Morgan, Boloven, Baringhaus

NAYS:

ABSENT: Coppola, Klisz

Boloven: Motion passes 5-0.

Baringhaus: Okay, thank you. Mr. Lockhart, your request for a variance has been tabled this evening, so the recommendation from the Board is to revisit your design, come back with a modified design, and then get in touch with the building inspection department and get your case rescheduled to be heard again.

Lockhart: Okay. There's no way that you could vote on a smaller version of the garage?

Baringhaus: We--we just voted to tabled it this evening. So, what you'll wanna do, is if that's the direction you wanna go in, then reflect that in your revised plan.

Lockhart: Okay.

Baringhaus: Okay. Very good. Thank you very much.

APPEAL CASE NO. 2021-09-40: An appeal has been made to the Zoning Board of Appeals by Faye Jackson, 15193 Haller, Livonia, MI 48154, seeking to erect a six-foot-tall wood privacy fence flush to front building line on the north side of the property. The privacy fence must stop at the rear line of the home and not be located in the side yard.

The property is located on the west side of Haller (15193), between Five Mile and Elsie, Lot. No. 094-01-0206-001, N1 Zoning District. Rejected by the Inspection Department under City of Livonia Fence Ordinance, Section 15.44.090(B), "Residential District Regulations."

Baringhaus: Okay. Thank you. Are there any questions for the law department? Okay, thank you. Any questions for the inspection department from the Board? Okay, very good. Good evening.

F. Jackson: Hi, Good Evening.

Baringhaus: Could you state your name and address for the record please?

F. Jackson: Yes, my name is Faye Jackson. My address is 15193 Haller, 48154.

Baringhaus: Okay, very good. Could you describe your request for a variance please?

F. Jackson: Yes, my husband and I would like to request a permission for us to install a six-foot wooden treated fence to be place on the side of our home. It wouldn't be no impairment as far as the driveway. It's directly on the side of the home. Right now there's a chain fence, four feet, and I learnt that the area is a zoning area that once was a alley and the property has overgrown shrubbery that invades our property and our arborvitaes that we have in place, and also, the adjacent grounds--our neighbor's property, their garage and their shed--that back of it, faces our side of the home, so it faces it as if it were still a alley. And pretty much we just want to improve the property which can beautify both our--our property and our neighbors, and I think it--it'd be a positive improvement for both sides.

Baringhaus: Okay. The current fence you have right now, you have a chain link fence. Is that basically along the back of the property or--

F. Jackson: It's on the side. Side of the house.

Baringhaus: On the side.

F. Jackson: Yes.

Baringhaus: Do you have a white privacy fence at the back of the home presently?

F. Jackson: Yes. We had that installed.

Baringhaus: On both sides?

F. Jackson: No, just on one side and the back.

Baringhaus: On one side. Okay.

F. Jackson: So, it's like "L" shaped.

Baringhaus: Yes.

F. Jackson: Yes.

Baringhaus: The height of your neighbor relative to your property, is it higher than you-- than your property or is it level? The grade of the property. Your property relative to--

F. Jackson: You know what, it's higher. The grounds--are you saying the grounds?

Baringhaus: Yes.

F. Jackson: Yes. The grounds is higher than our fence. It appeared--it looks that way because all the shrubbery that's there in the alley, so it does look like--the grounds don't look higher than our--our grounds on the side of the house, yes.

Baringhaus: And as you mentioned earlier, you've attempted to create some privacy with planting some arborvitaes along the--

F. Jackson: No, actually, the arborvitaes that was there, they got choked out by--

Baringhaus: Okay.

F. Jackson: --all the weeds and the overgrown grass and the shrubbery that's in place now that--in the alley, and so, we did re-buy some more. We replaced them. And have a desire to, like I said, to beautify both sides as far as with the fence, on that side of the house and the back of the house of the resident who stays there--who owns the property.

Baringhaus: Do you have any sheds on your property?

F. Jackson: Yes.

Baringhaus: How many?

F. Jackson: Two.

Baringhaus: And where are they located?

F. Jackson: When we bought the house three years ago, 2018, there was a shed on the side--entering the--the side--the driveway, which is on the side of the house.

Baringhaus: So, it's towards the--it's in the front of the--basically the front of the house by the driveway?

F. Jackson: It's--it's--yes, it's in the front but not the front of the house. It's on the side of the house.

Baringhaus: Side of the house.

F. Jackson: So, the four feet evergreens is--is on the side of the driveway--

Baringhaus: Right. Okay.

F. Jackson: --which I learnt that they couldn't be no taller than that. So, after the fourth tree that's on the side of the driveway is where the shed begins.

Baringhaus: Okay. Very good. And then going back to the wood fence, you're stating you--you were proposing the wood fence run past the front of the house just on one side of that property or you want that around the entire yard?

F. Jackson: No. It would run from the side of the shed--

Baringhaus: Side of the shed.

F. Jackson: --which is closer to the back--

Baringhaus: Okay.

F. Jackson: --not closer to the front. Closer to the back, and from that shed to the end of the side of the house.

Baringhaus: Okay. Very good. Thank you. Questions for the petitioner?

Turbiak: Mr. Chair.

Baringhaus: Mr. Turbiak.

Turbiak: Before I go to the petitioner, I just have a question to the inspection department. Jim, it was--we were just talking about the shed that's near the front of the garage building line, it appears that that shed is backing up to the property line and is--is that allowed? Or is there a variance to allow that shed to be there?

F. Jackson: Are you asking me?

Turbiak: No, this one's to the--

Baringhaus: No, the question's directed to the inspection department. You're fine.

Albus: Going through the building permit applications here, I'm not showing any permit for that shed on that property.

Turbiak: Okay. So, let me turn back to the petitioner. Ms.--is it Ms. Jackson?

F. Jackson: Yes.

Turbiak: Okay. So, Ms. Jackson, you said that shed was there when you moved in right?

F. Jackson: Yes.

Turbiak: Okay. Do you know if the previous owner had mentioned anything about getting a permit for it or did they mention anything about the shed?

F. Jackson: No.

Turbiak: Okay. Let me jump off that shed for a quick second, because you mentioned that you have another shed, do you know what the square footage of the second shed is?

F. Jackson: I would say probably about ten by ten.

Turbiak: The one in the back?

F. Jackson: I think the back and the front.

Turbiak: Oh, they're both about the same size?

D. Jackson: Yeah.

F. Jackson: Ten by ten.

Turbiak: Okay. Okay. Thank you. Where do I wanna go next? Okay, so it sounds like we have--well, I guess let me ask about that side shed, did you pull a permit for that shed?

F. Jackson: I didn't know I was supposed to.

Turbiak: I'm sorry. No, I can understand that. Okay, so, it sounds like there's two sheds that don't have permits pulled for it. I guess, let me get off the shed for a little bit and go back to what we're really here for which is the fence. Do you plan--it seems like the property line has a very drastic transition in height as we were discussing a minute ago.

F. Jackson: Mmhmm.

Turbiak: Is that transition of height right at the property line to the best of your knowledge?

F. Jackson: Well, I learnt here that the fence itself sits on a zoning area, which was once a--a alley.

Turbiak: Okay, so is that part of your property?

F. Jackson: On--on my side I was told it was zoned as "FS" and on the other side it's zoned as "OS" if I'm not mistaken.

Turbiak: Okay.

F. Jackson: So, that's when I learnt that we needed to get permission to put the wooden--I can--we can--we can put what's there already, but in order to change, we have to get permission by you all to--to put the wooden fence up.

Turbiak: Okay. So, you're planning to put it in the same spot where the existing--

F. Jackson: Yeah, same--

Turbiak: --chain link.

F. Jackson: --same spot.

Turbiak: Okay, and that's on the lower height of ground, right?

F. Jackson: I think our--

D. Jackson: Yes.

F. Jackson: --I'm not sure. I didn't pay attention like that.

D. Jackson: Yes.

Turbiak: Okay.

F. Jackson: My husband, he probably can vouch for that.

Turbiak: Okay. Thank you. Let me see if I have any other questions here. So, I--I noticed--okay, let me not go into that. Oh, another point of clarification. I think Chairman Baringhaus was asking if you had any white privacy fence on the South side of the house as well and I was there this evening, it looked like you did have just one piece--

you know--parallel to the street. Nothing--you know--going up and down the yard. Is that right? Can you confirm that?

F. Jackson: (Inaudible) enclose on the side of the house?

Turbiak: Mmhmm.

F. Jackson: Yes.

Turbiak: Okay.

F. Jackson: Yes, en-closurement to prevent--

Turbiak: Okay and that's at the rear property line--or rear house line?

F. Jackson: It--it's our property. It's on our property.

Turbiak: Right. I--I'm sorry I didn't phrase the question very clearly. So, like, the rear of your house--

F. Jackson: It would be--

Turbiak: --imagine a line going to the fence from there. Is the white privacy fence in front of that line or behind that line?

D. Jackson: Behind.

F. Jackson: This is--it's on our--it's on our property. It's not on either side. It's on--it sits sideways.

Turbiak: Right. So, imagine the line, not the property line, but a line from the back of your house to your fence.

F. Jackson: Okay. So, wait a minute. So, you're talking about from the front of the house or the back of the house?

Turbiak: Where--well, the back of the house. That line. So, imagine a--if you were walking along the back of your house--

F. Jackson: Alright.

Turbiak: -- and you walk right to your fence--

F. Jackson: Mmhmm.

Turbiak: --and then you drew a line on the ground right there--

F. Jackson: It's sitting exactly where the fence is at before.

Turbiak: Where the fence would be--I don't know where the fence was before.

F. Jackson: There was a--there's a chain link fence there.

Turbiak: Okay. So, it's on that line?

F. Jackson: It's on the same line.

Turbiak: On that line. Okay.

F. Jackson: Yes.

Turbiak: Okay. Good.

F. Jackson: Mmhmm.

Turbiak: That--do you know how many--so--so, you're proposing to go from the shed to the white privacy fence, is that the length?

F. Jackson: From the back of the shed to the end of the house.

Turbiak: Okay.

F. Jackson: The side. It doesn't affect the driveway. It doesn't put no impairment as far a driving. It's behind the fourth bush if you can see. So, it's on the side of the house. It's just on the side.

Turbiak: So, okay, let me ask this question again because I think I learned something. Are you saying that it'll start from the back side of the shed--so, it's behind the shed, but it's on the side farthest from the street is where it starts and then--

F. Jackson: Farthest from the street.

Turbiak: --comes towards the street.

F. Jackson: So, if you're coming from the street--

Turbiak: No, I heard it the first time. Okay.

F. Jackson: --just so I give you a picture. Coming from the street walking facing the house--

Turbiak: Mmhmm.

F. Jackson: --you would come to the four feet bushes--

Turbiak: Mmhmm.

F. Jackson: -- which sits on the side of the driveway--

Turbiak: Yes.

F. Jackson: --after that fourth one, the shed sits behind that one--

Turbiak: Mmhmm.

F. Jackson: --and then on the other side of the shed is where we wanna put the fence. So, it's on the side of the house.

Turbiak: Yeah. And then how long does it go before it stops?

F. Jackson: They gave us a measurement. I didn't write it down. Only on the side--it won't go towards the back. It's just the side of the house. It's what's sitting there now--

Turbiak: Okay.

F. Jackson: --is what we were (inaudible)

Turbiak: So, it doesn't go beyond the rear property line that--the rear building line I should say that I was talking about earlier.

F. Jackson: No. No. No. No.

Turbiak: Okay.

F. Jackson: No.

Turbiak: Okay. That's all the questions I have.

F. Jackson: Only what's there now is--we just wanna enhance what we have--what's there now.

Turbiak: Okay. Okay.

F. Jackson: Yup.

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

Baringhaus: Okay. Sir, if you'd like to join in the conversation, we'll just have you approach--stand by the podium as well. This way you can be read into the record. Any other questions for the petitioner? Yeah, Mr. Testa.

Testa: To the Chair, I just need one second. What is your main reason for wanting to add this privacy fence? Sorry if I missed this.

F. Jackson: Well, a couple of reasons. You know--as the other gentleman said--you know--Livonia--you know--strive on upkeeping the community and I'm in partnership with that. I think it can--it can be a benefit on both parties. My--my side plus the neighbors, to have a fence that's well treated wood and also, it would bring--make both sides look beautified. It would be beautify both our property. Another reason is because it's a--it used to be a alley that the overgrown shrubbery and--you know--it invades our property and it kills our plants that's there, which we had to replace. Also, because it been a alley, the neighbor's shed and their garage--back of their--their structure faces our drive--our side. So, it's--it's--and then it's kind of--it's like a--

(Inaudible)

F. Jackson: --yeah, and it's just not favorable in looking at it--you know--because what it used to be. A alley.

Testa: Okay. That space that used to be the alley, who now owns that? Is it your neighbor to the north?

F. Jackson: I'm not sure exactly who owns the alley, but I was just told that the fence separates our zone, which they--they zone it to be "FS" and the other side is zoned to be "OS" and we have our neighbor here with us who owns the property.

Testa: The property to the North is a house, correct?

F. Jackson: I'm sorry.

Testa: The property to the North of you is a house.

F. Jackson: You wanna speak?

D. Jackson: Yeah.

Baringhaus: Excuse me sir--

D. Jackson: Oh, I'm sorry.

Baringhaus: --could I have--if I could just have your name and address before you speak.

F. Jackson: Yeah, say your name.

D. Jackson: Good Evening, I'm Dairrus Jackson, her husband. 15193 Haller, Livonia, Michigan. In actuality, it--it's their backyard where we wanna put the fence. It happens to be that corner of our home, but it's his backyard, which if it wasn't--if he wasn't zoned as--his house is zoned as--

Mowett: "OS." Office--

F. Jackson: "OS"

D. Jackson: --"OS" and ours, right at that line rear zone--

F. Jackson: "FS"

D. Jackson: --"FS", it wouldn't be a problem for his backyard, but by being zoned--by the way it's zoned, this is why we're here. That's the problem. Because that end--that end of our home is his backyard.

Baringhaus: Mr. Fisher, could you maybe clarify the zoning between these two pieces of property or Mr. Albus.

Fisher: Yeah, well--yes. I--I'm not surprised that the property facing Five Mile is "OS" zoned. The--I think the zoning on this property is--according to--well, according to the--yeah, according to the green sheet it's "R-1" and that's also what it looks like on the map. So--

F. Jackson: Oh, "R-1."

Fisher: --I'm not--I'm not sure where the "FS"--

F. Jackson: Maybe I got confused, I'm sorry.

Fisher: It's okay. That's not a known (inaudible) we use, so.

F. Jackson: Okay.

Baringhaus: Very good.

Testa: Mr. Fisher, sorry.

Baringhaus: Go ahead, Mr. Testa.

Testa: If--If the property to the North wasn't "OS," say it was the same zoning as the petitioner, they wouldn't need a variance, correct? They would just need the permission of their neighbor.

Fisher: Well, their--as I understand, they're putting a fence in the side yard and so that's not permitted even with the neighbor's permission.

Testa: Because it's the neighbor's backyard?

Fisher: Well, it doesn't matter that it's the neighbor's backyard, it matters that it's their side yard.

Testa: Ah. So, what if they stop the fence at a certain fence? They could, right?

Fisher: Well, yes, but that would be the rear building line of the house.

Testa: Right. Okay. Is it--why wouldn't--I can ask you later, not particular to this case, but I'm curious to the zoning on the house to the North, but--sorry, I have a couple more questions for the petitioner.

Baringhaus: Please. Go ahead.

Testa: So, you're proposing a wooden fence. Why not go with the vinyl fence to match to what's already there? To not have mismatch.

F. Jackson: I guess it's my style. It's just something that I found to be applicable for that side of the home to match what I have in mind to want to put in place far as my shrubberies, decorative rocks, and other plants that I have in mind that I wanna do by probably next summer now.

Testa: Okay. And I know we've gone around about with a few questions already from my other Board members, but the fence that's coming out and the proposed fence you're putting in, it's gonna be the exact same spot--

F. Jackson: Yeah.

Testa: --from start to end, correct?

F. Jackson: Mmhmm. Yup.

Testa: Okay. And you're not gonna put like a side gate or anything? It's just literally a fence and no side that cuts over to the house, correct?

F. Jackson: No. It's just replacing what's there with the wooden six-foot fence, that's all.

D. Jackson: They gotta clean it out.

F. Jackson: Yeah, they do gotta clean it out.

Testa: Okay. Thank you.

Baringhaus: Mr. Turbiak.

Turbiak: Yeah, through the chair to Mr. Fisher. So, Mr. Fisher, just to--again, piggyback on Mr. Testa's questions. If the neighbor to the North were requesting this fence, it would be his backyard line and he wouldn't need a variance, is that correct?

Fisher: Yeah, I guess that's right.

Mowett: Can I make a comment.

Turbiak: In a minute. You'll get a chance.

Mowett: I just want to clarify that.

Turbiak: Okay. I--I think that's all that I have for right now.

Fisher: I guess strategically, if we wanted to have your neighbor go pull a permit at the inspection department.

Unknown: Sure.

Turbiak: I think we'll hear more on that in second. That's all I have Mr. Chair.

Baringhaus: Okay. Any other questions for the petitioner? I do have one question regarding the shed towards the front of the house. Are you presently using that shed?

F. Jackson: Well, yes. It's there for use. Yes.

Baringhaus: And what are you using--what are you storing in the shed?

F. Jackson: We put our tools. Housing--

D. Jackson: Lawn tools.

F. Jackson: --lawn mowers, and stuff like that. Well, how we upkeep our property, that's the equipment we keep in the shed.

Baringhaus: Okay. Very good.

Turbiak: Mr. Chair.

Baringhaus: Yes, Mr. Turbiak.

Turbiak: So, I think you were just asking about the shed near the front. What do you have in the other shed in the back?

F. Jackson: My furniture that I use for the backyard.

Turbiak: Okay. So, that's seasonal?

F. Jackson: I'm sorry. Is it seasonal?

Turbiak: Seasonal.

F. Jackson: Yeah. It's my--it's my summer chairs, my pillows that I use for--for the backyard.

Turbiak: Okay, so it's basically empty right now.

F. Jackson: That's--well, they're ready to go back in there now 'cause it's seasonal.

Turbiak: Pretty soon, yeah. Okay.

F. Jackson: So, that's what I use that shed for. That's my shed and the other one's his shed for his tools that we use to keep--to maintain the property.

Turbiak: Okay. Okay. Thank you. Oh, you know what, I do have another question. And--you know--maybe it's easier to look up. Do you happen to know how big your garage is?/

F. Jackson: I don't. I--I wish I would have brought the--

Turbiak: I'll ask Jim if he--and he doesn't have any--okay, I'll look at it--

F. Jackson: It's a two-car garage. I can say that.

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

Baringhaus: Thank you. Okay, any other questions. Yes, Mr. Morgan.

Morgan: Yes, I have a question for you. If you--if this was approved, would you be tearing out that white vinyl fence and going all the way to the back of the yard with this wood fence? Or are you just starting at the vinyl and coming--

F. Jackson: Starting at the vinyl, coming up to the end of the--the beginning of the shed.

Morgan: Okay. At the beginning of the shed--

F. Jackson: No, that cost us a lot of money to put that fence up.

Morgan: --or are you going behind it so it's even with the--

F. Jackson: Yeah, it's gonna start right where the vinyl fence is at and then coming towards the front at the beginning of the shed, just on the side.

Morgan: Okay. Alright, that's the only question. Thank you.

Baringhaus: I do have a question for the inspection department regarding the shed towards the front of the yard. Is that shed in compliance or is it grandfathered? How is it considered in this case?

Albus: I do not believe the shed is in compliance. So, it would be considered an existing non-conforming structure.

Baringhaus: Okay. Thank you. Any other questions for the petitioner? Okay, thank you. At this point the Board's questions are done, we're opening for audience--you can sit down now please.

F. Jackson: Thank you.

Baringhaus: Okay, if there's any comments from the audience at this point.

Unknown: Showtime.

Baringhaus: Hi, could I have your name and address for the record, please.

Mowett: Dave Mowett. 29005 Five Mile. Thank you. I'd like to thank the Board for all the time in the discussion of this matter. The--what was relayed to me by the building department is that the--when the permit was pulled, that the fence that the--the--the fence would definitely--it is allowable except for the--the issue is that the property at 29005 Five Mile is zoned "OS" and the Jackson's property at 15193 Haller is zoned "R"--"R"--"R-1" residential and that's what--and (inaudible) that I spoke to the building department and he said--you know--he--you know--that was the only hold up as far as the permit being fully approved which led us to next course of action was they--the building department stated was in--in front of the--the Board. And it--and what I wanted to state is that--you know--the Jacksons have spent a lot of time--they've been working on this for several months. They've spent a lot of time with me, and--you know--gave me a great explanation of everything what--you know--with the fence. I've spoke to their contractor and it's--you know--I feel this--the fence which is pretty much just extending on what their existing fence is and taking the--you know--enhancing it instead of being a chain link. That's not--I don't feel in anyway would impair the community or the--the neighborhood or either property. I--I think this aesthetically be very pleasing and look--and look really nice in--in the neighborhood and also not be affecting anybody--anybody's sightlines as well on this. So, I--I'm just so you know, I am in--I am definitely in favor of--of--of the fence.

Baringhaus: Okay. Very good.

Boloven: Mr. Chair.

Baringhaus: Yes, Mr. Boloven.

Boloven: Just a quick question, sir. Do you also own 29001 Five Mile?

Mowett: Yes. It's a continuous property. It--it was--it--there are two separate tax IDs and I guess it's been like that for--for--you know--50 years. Many--many years, but it's a continuous property.

Boloven: Okay. Thank you.

Mowett: Sure.

Turbiak: Mr. Chair.

Baringhaus: Yes, Mr. Turbiak.

Turbiak: To Mr. Mowett. And I apologize, I probably could have asked the Jacksons this, but it slipped my mind at the time.

Mowett: Sure.

Turbiak: A couple times, Ms. Jackson mentioned that the--the shed or garage that are on your property are facing your--or facing her home. When I look with what I can on google maps and pictures that I took, it looks--I mean, I can see the side of those structures that's closer to her home and it looks like it's not like a doorway or something, it's at like that back, so are--are your entries to those structures facing to the North?

Mowett: They would be facing Five Mile--Five Mile. So, that would be to--to the North for the shed and the garage.

Turbiak: Okay, but--

Mowett: But on the--in the--with the--in the--but the properties--the properties on Five Mile, they--it does sit higher than the Jackson's property and I can definitely relate and understand--you know--their--you know--their desire to have this looking better because it is--I don't know exactly how many foot it is higher, but my guess is (inaudible) you know--being that--my understanding it was one of the first homes built in the--in the subdivision that it was--you know--so much higher back--you know--being on a--being on a main road.

Turbiak: Mmhmm. Mmhmm.

Mowett: But again, I think it would--you know--would be very pleasing to--to both--to both properties.

Turbiak: Mmhmm.

Mowett: And I did--there--a few years ago I had spent--you know--about a few thousand dollars just in--in--in cleaning up--in cleaning up. I--you know--had bulldozers or excavators there, multiple dumpsters on the--on the property but the--you can't alleviate how you have that kind of--that--you know--kind of cliff where it--it--it--how it goes--the height difference between Five Mile and the Haller property.

Turbiak: Mmhmm. No, I hear what you're saying. We--we couldn't ask you to lower your--your whole property. It's like two and a half feet. I mean, it's very, very significant.

Mowett: Sure. It would be a little bit of a challenge.

Turbiak: Or likewise, they can raise their property, right? So, there's--that's something that exists and is probably gonna be there for the foreseeable future, so.

Mowett: Yes.

Turbiak: Okay. Thanks for that explanation.

Baringhaus: Okay, thank you very much.

Mowett: Okay. Thank you.

Baringhaus: We'll close the public portion of the meeting and begin--I'm sorry, before we do that, we'll close the public portion of the meeting, Mr. Secretary, do we have any letters?

Boloven: Two letters. One letter from David Mowett who just speaks, so we're not gonna read that. Second one is letter of approval from Colonel Ken Fetzer, U.S. Army, 143 Dailey Ave, Brent, AZ 35034 (Letter read.) That is all, Mr. Chair.

Baringhaus: Okay. Thank you very much. Ms. Jackson, you'll have an opportunity to make a closing comment if you'd like to approach the podium. Or Mr. Jackson, okay.

F. Jackson: You asked me do I--I'm--

Baringhaus: Yeah, you can make a final comment.

F. Jackson: Oh, no, only thing I'd like to say, I--I--you know--first I wanna say I appreciate your time and I do appreciate you fitting me in your schedule--you know--allowing me and my husband to come here to discuss our concerns and I just--just request that hopefully our request get granted. Our motivation is to beautify our community--you know--and--and pretty much that's it. That's the only intentions we have is just to make thing better.

Baringhaus: Yeah, there is one question I have though, and it goes back to the shed in the front of your yard, as the inspection mentioned, it is currently non-compliant, correct?

Albus: Correct.

Baringhaus: To really kind of correct this situation, we would probably ask you to remove that shed in front. What would your--what would your impression be of that request?

F. Jackson: I would think that--I would find it to be--I'm not gonna say inappropriate, but it would be challenging. I--I would hope that we didn't have to remove it. It's not invading any space. I mean, it's not an impairment of our driving, entering and exiting our driveway. It's on the side of the house. We use it for maintenance tools we use for the maintenance of our community and our neighbors who we help with. It was there when we moved in. I--I feel like we shouldn't be at fault of something that should have been recognized three years ago. And I know that Livonia's very adamant about making evaluations and assessment in the community, and it seem like to me that could have been brought up three years ago--you know--and it would be very, I would say expensive for us to have to do something such as that, and finances is a concern.

Baringhaus: Okay. Very good. Any other final comments?

F. Jackson: No. Not at this time.

Baringhaus: Okay, great. Thank you. I'll ask you to take a seat then. Okay, very good. With that we'll begin the Board's comments, and we'll start with Mr. Testa.

Testa: Okay. This one's a little difficult for me. So, I don't see a hardship here, but I do appreciate the neighbor to the North coming in and voicing support for this and obviously it impacts him just as much as the neighbor, and if he's--if he's for it, and if there's enough support from other Board members, I would vote for it.

Baringhaus: Thank you. Mr. Turbiak.

Turbiak: Thank you, Mr. Chair. So, I think this one needs to be tabled unfortunately. There's a lot going on. I--I learned some important things during this meeting that I haven't had time to consider. I think planning, based on what was discussed this meeting, I think the petitioners will have an opportunity to reconsider some things. One thing that we didn't talk about in the meeting--it didn't hit me until later and I figured I could just mention at this time anyways, which is the--due to the great change in grade at the property line, I'm--and you know--currently there's a chain link or cyclone fence that allows things to flow through it, I'm concerned if we were to put some kind of privacy fence that's very substantial, especially a wood one, that debris, anything like that could get trapped in there, and especially if it's a wood fence, which the petitioner seems to prefer, that--you know--that stay moist and it could rot and damage the wood,

and I--I wouldn't wanna see that happen to them. So, again, I guess I should clarify, I'm not fully opposed to a fence being there--a privacy fence, I have hesitations about it being wood--you know--again, this is--there's a lot happening that came out tonight that needs to be considered, but maybe if the petitioner wants time to reconsider how that fence would--I don't know what the distance is exactly between the grade change, if it's gonna be easy to maintain and keep clear of debris or if it's gonna get trapped in there where they can't really reach it, things like that. Maybe the fence could be moved in such that it is easier, but then it's not on the property line which is--you know--not allowed per the ordinance, so that's another thing that the Board would have to--to consider. You know--there's two shed on the property, one--they're both non-conforming, right. Because they--they--neither of them has a permit pulled and the one in the back, I don't know how far it is from the property lines because--you know--there is the variance--the ordinance does state--you know--how far from the read and side property line it has to be. So, I don't know if that one has a rat wall, right? So, any shed over 40 square feet has to have--you know--make sure that they--you know--rats don't--you know--make homes under there. I could see the one up front was--was elevated on some kind of a wood structure, again, I don't know if that's to code or not. I--I can appreciate that there was an effort made there. So, I think there needs to be some time for inspection department to come out, look at the situation, work with the petitioners to see--so another thing that I didn't mention is, per the ordinance, only one shed is allowed, right? So, it can be up to 200 square feet, it sounds like you've got a little bit less than 200 square feet as it is--you said ten by ten. If they're both ten by ten, then that would be 200 square feet, but I think the one in the front at least was a little bit less. So, you'd have to figure out if you want to bring to the Board having two sheds, if you want to consolidate them into one shed so you don't have to get that variance, again, I--I don't--I'm not a huge fan of having sheds that close to the road because of the visible nature of it. I--I don't know if the ordinance allows it to be there, and this is a unique situation that as one Board member I could be open to considering--you know--especially with a privacy fence there, having the shed--a shed be there, again maybe it needs to be brought to compliance. I don't know if that means installing the proper rat wall and if that's the case, if you have to install a rat wall because the current one isn't sufficient per code, then maybe you would consider relocating it to the backyard anyways. Maybe you could do like a little wrap around privacy fence where if it's--currently you were just planning it on the property line but maybe you could come around and just block that shed out--you know--again, there's a lot of things that need to be considered here. I--I know I've unloaded a lot, but--you know--these minutes should be available for you to consider. It looks like it's gonna be a while before this can get back onto the agenda anyways, so you'll have some time to read through the minutes to take my comments and of course all the other Board members comments into consideration. But I--I can't see myself approving this one tonight, so, thank you.

Baringhaus: Okay. Thank you. Mr. Boloven.

Boloven: So, on its face on this one I would deny it up front, but with the facts here, this is a very, very unique case. And I think Mr. Fisher hit it on the head. Strategically, this really could have gotta app--approved had it just been a different person pulling the

permit. The only thing before this Board today, is the six-foot privacy fence coming past the property--the back property line, which again, you could deny it, you could table it, but tomorrow they could withdraw this petition, and have the neighbor pull the permit and it's gonna get there. So, that's why I--I would be in approval of this--

Fisher: Sorry, I just wanna--they're right about the "OS" and because that property's zoned "OS" they would have the power to get a--this particular neighbor doesn't have the power to get a fence.

Boloven: I thought you said he did, sorry.

Fisher: No, no--I would--in general, I--I had forgotten this was an "OS" situation. Generally, if you've got two residential properties sitting next to each other, yes. I'm not sure the inspection guys would agree with me, but it makes sense to me.

Boloven: So, could this--cause this effects my decision on this.

Fisher: Okay.

Boloven: Could the neighbor--the "OS" property, pull a permit tomorrow--

Fisher: No.

Boloven: --to put a fence on the back?

Fisher: No. Sorry. I--I should have remembered the "OS" (inaudible). I apologize.

Boloven: No problem. I'm just--you canned my train of thought on that one.

Fisher: I'm so sorry.

Boloven: Alright. Okay. I would then tend to agree with Mr. Turbiak on this one. I would table this. The--the shed issue I think's already in the--it's on the radar now of the inspection department, I'm not really gonna address that. I do think with what's been presented then, just with the fence alone, I think there needs to be more consideration given to the Board's comments and plans--more plans need to be provided because there's a lot of questions given based on the thirteen-page packet that was given. I think if you give more detailed drawings, more detailed specifications of what's actually going on, you might get a little bit more clarification from this Board. I understand what you're saying--what you're trying to do. You're trying to come up from the vinyl fence to the shed, again, the shed is gonna be an issue in itself, so I think I would be in support of tabling this to see how that inspection plays out from the inspection department, plus also give the petitioner more time to consider the Board's comments this evening. Thank you.

Baringhaus: Mr. Morgan.

Morgan: After looking at this carefully and going out there--there's already a fence there and what was brought before us was to erect a six-foot wooden fence, and my feelings on this is even though that some other violations were found during our looking at this and investigate--in investigating this, I think that that main issue is the fence and I'm not necessarily focused on the shed. I see that it's probably violation, but is it a movable shed? Does it have a rat wall? That's all that. That's immaterial because that's not what I'm here to discuss. So, looking at what the petitioner is asking, I would be in favor of putting that fence there. It's just an extension of the fence that is there and I would--I would approve that.

Baringhaus: Okay. Thank you. I agree with Mr. Turbiak and Mr. Boloven. Just listening to the conversation this evening, I think conceptually we get the direction you're going in, I--I just think that the Board has some addition questions and needs some more det--specific details, maybe as Mr. Turbiak suggested, more detailed drawings on where the fence stops, where it starts relative to the front of your house to--you know--any existing fences, that type of thing. It's not uncommon--at least in my experience, to see petitioner's come before the Board with a variance and then some incidental item will come up in the course of discussion like this evening--having a fence--or having a shed--excuse me in the front yard. I can't recall a lot of occasions where I saw that so, because--you know--we are the zoning board, we have to call that into question as well, so, that would be another issue we would have to address as well when you--if this petition is tabled, and then you would just reschedule and come back and address the fence questions in more detail and then just probably some more discussion. So, what I would recommend on the disposition on the shed, so again, I would recommend tabling. With that, the floor is open for a motion.

Upon Motion by: Turbiak. Supported by: Testa.

RESOLVED: APPEAL CASE NO. 2021-09-40: An appeal has been made to the Zoning Board of Appeals by Faye Jackson, 15193 Haller, Livonia, MI 48154, seeking to erect a six-foot-tall wood privacy fence flush to front building line on the north side of the property. The privacy fence must stop at the rear line of the home and not be located in the side yard.

The property is located on the west side of Haller (15193), between Five Mile and Elsie, Lot. No. 094-01-0206-001, N1 Zoning District. Rejected by the Inspection Department under City of Livonia Fence Ordinance, Section 15.44.090(B), "Residential District Regulations," **be tabled in order for the petitioner to consider the Board's comments and come back with a clearer or alternative plan.**

ROLL CALL VOTE:

AYES: Turbaik, Testa, Boloven, Baringhaus
NAYS: Morgan
ABSENT: Coppola, Klisz

Boloven: Motion passes 4-1.

Baringhaus: Okay, so your variance request has been tabled right now, which means you'll have to come back with, as we--the Board recommended--you know--some more detail--detailed plan on the location of your fence--of your proposed fence relative to the existing fences, and also, more detailed plans on the shed--on the sheds, especially the one in the front of the house. So, what you'll wanna do is contact the inspection department, again, the next date for open cases will be October 26th. So, that should give you sufficient time to revise your plan and resubmit it for the Board.

F. Jackson: Okay, so now, if you have any--any--if I--if I--is there a hierarchy after this here? Is there somebody else I can talk to about this situation? Because I feel like I've been misled. You know--since I--if I have a few minutes to discuss it. Coming here as he showed--you know--it was confusion on what we should do, and--and it costs us a lot of money--you know.

Baringhaus: Well, yeah, your--your next step would naturally go back to the building inspection department and get some additional explanations on this, particularly as you indicated--you know--the differences in the zoning and how it impacts your request for the variance and then also any recommendations they would have regarding your fence plans and also any recommendations they would have relative to those sheds as well.

D. Jackson: Excuse me.

Turbiak: Can--can you approach just so we can get it on the record.

Baringhaus: Yeah. Good point. Thank you.

D. Jackson: Dairrus Jackson again. Let me--this is--Mr. Turbiak--

Turbaik: Yes, sir.

D. Jackson: --to your concern, I'm cleaning up that whole--that alley has bricks, debris, everything. They gonna take an excavator and clear all that out to replace a fence. Now, all I wanna do is put up a fence from--in his backyard, and in--we pulled the other permit, he did. I pulled one, he pulled one. They suggested that we come here, just to get an approval for a fence. Now, since I've been here, we came up--when we bought this house and you guys do your job so diligent, when we bought this house, both of those--

F. Jackson: Sheds.

D. Jackson: --sheds were sitting there. When I put my down payment on there and paid for that house, I paid for the sheds. I paid for everything. And I'm quite sure we had an inspection when we bought the house. So, I come to this Zoning Board to beautify my neighborhood, to clean up--you wanna talk about rats--

Baringhaus: Sir, excuse me, but we've made our decision. It is tabled. We're closed--

Fisher: Can I--let me talk to you after--let me talk to you after then.

D. Jackson: I mean the rats--I'm cleaning up the rat-infested place.

Baringhaus: One other item on the agenda this evening would be to approve of minutes.

Testa: Mr. Chair, one of the minutes, only three of us were here, and no, the other minutes, four of us were here. I'm not sure we have enough to--

Baringhaus: At that point--you're correct. The minutes for the August 10th meeting we don't have a quorum sufficient to approve those, but as you pointed out, we do have quorum available to approve the minutes from the August 24th meeting. Correct?

Testa: Correct.

Baringhaus: Okay. So, I'll entertain a motion to approve those.

Testa: So, moved to approve the minutes for August 24th, 2021.

Baringhaus: Support from?

Boloven: I wasn't there so I can't give support.

Turbiak: Support.

Baringhaus: Okay. All those in favor say aye.

Board: Aye.

Baringhaus: Okay, minutes are approved. Any other closing comments for the Board? I'll entertain a motion to adjourn then.

Testa: Move to adjourn.

Boloven: Support.

F. Jackson: Well, do I get this in writing?

Baringhaus: I'm sorry.

F. Jackson: I get minutes. Do I get a copy of the minutes?

Fisher: Yes, you'll--you'll be able to access the minutes.

F. Jackson: Okay.

Baringhaus: Okay, very good.

Boloven: Support.

Baringhaus: All those in favor say aye.

Board: Aye.

There being no further business to come before the Board, the meeting was adjourned at 8:27 p.m.



James M. Baringhaus, Chairman



Christopher Boloven, Secretary

/vcb CEO 9489