ZONING BOARD OF APPEALS

CITY OF LIVONIA

MINUTES OF REGULAR MEETING HELD TUESDAY, OCTOBER 12, 2021

A Regular Meeting of the Zoning Board of Appeals of the City of Livonia was held on Tuesday, October 12, 2021.

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

MEMBERS ABSENT: None

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

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

(7:00)

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<u>APPEAL CASE NO. 2021-05-18 (Rescheduled from September 14, 2021):</u> 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.

<u>Accessory Building Area:</u>
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."

Coppola: Alright, thank you. Although this is rescheduled, I believe it was a tabled--tabled case.

Klisz: Yes.

Coppola: So, we need to have a motion to bring this off the table.

Klisz: Mr. Chairman.

Coppola: Secretary Klisz.

Klisz: Move to remove the case from the table.

Boloven: Support.

Coppola: Alright, I have a motion by Secretary Klisz, support by--was it Mr. Boloven? All in favor?

Board: Aye.

Coppola: Alright, it's been removed. So, Mr. Hershey, have anything that you would like to add?

Hershey: No sir, not at this time.

Coppola: Alright, thank you. Anything for Mr. Hershey? Any questions? If not, why don't we have the petitioner step forward and for anybody that plans on speaking, if you could give your name and address and relationship to the petition.

Stempien: Sure. My name is Eric Stempien, 38701 Seven Mile Road, Suite 130, Livonia. With me are Ken and Melissa Burns.

M. Burns: I'm Melissa Burns. 29991 Munger, Livonia.

K. Burns: I'm Ken Burns. Also, 29991 Munger.

Coppola: Okay.

Stempien: I--I am their attorney and I'm here to represent them, but they're also gonna participate as well.

Coppola: Alright, so you're gonna take the lead so--

Stempien: But I'll take the lead initially and then--and then certainly they're available to answer specific questions.

Coppola: Alright, did you have an opening statement, or do you want us to just dive in?

Stempien: Well--you know--let me just address a couple things--

Coppola: Okay.

Stempien: --because I think there's a very important issue that--that's been put to rest because at the--I wasn't here at the initial meeting, but I'm sure you guys all recall, it was back in May when this was tabled. There was a long discussion about the property lines on this and I--and I read the minutes from--from that meeting, and I saw all the discussion. The most important thing here is that we had a--the neighbors hired an attorney, the Burns' hired me. The other attorney and I have had lot of discussions going back and forth. They had a--another survey done of their property--everything is exactly as we have presented it. The--the neighbor's survey came out exactly the way that we presented it here. There is no longer any dispute whatsoever with regard to the property lines, which is a great relief because that really kind of cuts us right to the chase, which is--you know--to here, to deal with the--with the variance. The only other interesting--I think, factor that's occurred between now--you know--from May till now is the zoning ordinance changed in the--in the intervening four months here, so we're actually at a little bit different variance. They are allowed to have the second garage now then--what was not allowed under the old--under the old ordinance. So, there's no variance needed for that and actually the square footage allowed increased a little bit from 720 to 920 and so the requested variance is a little smaller in terms of the excess square footage as well. And I wanna point out to the Board that the--the Burns' really took into heart the--a lot of the things that the Board brought up at the last meeting including about, hey--you know--if you're gonna expand a garage that's already non-conforming, you wanna try and minimize it. So, the new plans which have been presented to the Board, do show a smaller footprint than what was presented in May. In essence, they're not really able to shrink it in terms of the--is that the length or the width--the depth of the garage, but they--but they--but they did shrink the width and so it is a little bit smaller than it was last time. So, those are the--those are the main things. I mean, look, I--I don't know if you guys got a chance to read the letter than I wrote--you know--I--I wrote it like a lawyer would. Mr. Klisz would know how to write a letter like this too. You know--in the sense that--you know--there's certain factors you're supposed to take into account on that and--you know--those are important, not just from a legal perspective but from a practical perspective too, that this is a--definitely a unique piece of property, right? It backs up to the Bell Creek Tributary. It has a significant slope. The back half of this property is very, very wooded, and it's sort of an old growth wooded area, so they get a lot of trees falling. They get a lot of issues and they're not just coming here saying oh yeah, we're really careful about taking care of our property because I'm sure everybody who comes before the Board says that, but that's true and I think you see that in the letters that were received in support of their petition tonight is that they do take good care of their property and they do try to clear out these dead trees. They assist their neighbors with clearing out some of these dead trees and things like that. And so yes, they do have an absolute need for some equipment that--you know--for us who may live in--in subdivisions that are more 80 by 120--you know--standard subdivision lots don't have that same need. So, it definitely does meet that uniqueness requirement. And that's a practical difficulty because if they can't store that equipment, they can't take care of their property that needs to be taken care of. So, I--I do believe that it meets both of those. And then with regard to the effect on the neighborhood, we've provided pictures and--and some addresses for--I mean, there are many, many lots in this exact neighborhood on this exact block that have received variances for second garages that are far bigger than the ones that--the one that they're seeking. In fact, the neighbor that--where this property dispute was--has what can only really be described as a pole barn in their back yard right next door. So, this just fits right in with--with what everybody else in the neighborhood already has. And with that, we would take any questions.

Coppola: Okay. Any questions?

Turbiak: Mr. Chair.

Coppola: Mr. Turbiak.

Turbiak: Thank you. Through the chair to the petitioners or Mr. Stempien, I wasn't here on 8-10 and I see that you guys were scheduled at one point to be on here on August 10th, and it obviously--I don't have the minutes, so I don't think that the case was heard that night. Can you just let me know what the reasoning was?

Stempien: There were only five Board members here that day.

Turbiak: I suspected that.

Stempien: Yeah, that was all it was. And I--you know--I sat on the Board for years and I know you have to get four no matter how many people are here, and--you know--I just--I can do that math.

Turbiak: Better off. Understand. Thank you.

Stempien: Yep, exactly.

Baringhaus: Mr. Chairman.

Coppola: Vice Chair Baringhaus.

Baringhaus: Yes, I'd like to hear from Mr. and Mrs. Burns, have them outline what they feel is the hardship that justifies this variance request.

M. Burns: Alright, do you want to--

K. Burns: Go ahead.

M. Burns: Okay. Well, it is that--the need for equipment. We do have several--we have a riding lawnmower that we use for the property. As Mr. Stempien pointed out, we have the heavy wooded area in the back of the property, so we are always pulling--using equipment to pull the wood out so that it doesn't dam up and--and we get floods back there, so that it does keep it clean. Obviously, lawn maintenance that everybody has, but we do need the--the bigger equipment to not only haul the wood up, but we need it to chop the wood out--to chop it down into manageable pieces because we do also burn that wood in our house. That's how we help heat our home in the wintertime. Again, with the property we also have the pool, so we have equipment for that that we have to store. And my husband--not only does he do the work around the house, he also has to try to maintain all this equipment as well. So, not only do we need it to store it, but he also needs room to be able to move around within the garage.

K. Burns: And also, things for like leaf removal because I just have so many trees, I mean--and it's fenced in so I'm always fighting the leaves. And snow--I have a lot of driveway. I have a huge horseshoe in the front, and it goes all the way to the back. It's almost an acre of driveway that I have to maintain. So, I have a plow with a big quad--you know that takes up space. Just what she said, log splitters, chainsaws, leaf equipment. She wants to park her truck in the garage--you know--because all this stuff--the trees and all that--so, I just really don't have any room for anything else. You know--and then not to mention bikes and stuff that you have--you know your ten speeds and stuff like that. I mean, I have stuff on the walls and I'm just busting at the seams, and we love where we live, and we'd like to stay here, and we just need some more room.

Baringhaus: How many vehicles do you store on the property?

K. Burns: Three.

Baringhaus: Three. What types are they?

K. Burns: Two F-150s and a Mustang.

M. Burns: 2006.

Baringhaus: And then as Mr. Stempien indicated, you and your neighbor have come to an agreement on the property lines?

M. Burns: Correct. Based on what their attorney has said, yes.

Baringhaus: And then with that agreement on the property lines, what is the size of your property?

M. Burns: The property cuts over--it's the front half of the lot is 140 and then it goes back 250 feet, it then cuts over 70 and then goes back I think like 6--full total, like 670. We're about an acre and a half. Just over an acre and a half.

Baringhaus: Acre and a half.

K. Burns: Yes.

Baringhaus: Okay, thank you very much.

Boloven: Mr. Chair.

Coppola: Mr. Boloven.

Boloven: Question for the petitioner--anybody in the panel there can answer, looking back at the minutes from last time, there was a point brought up that your garage was already in violation and looking at the map, that still really hasn't changed. You have a 686 attached garage, 495 detached, and your addition's gonna be 374. How can you explain coming to the Board when you already have a violation, looking for an even further violation?

K. Burns: We had no clue. This was--when we bought the house it had the garage. Nothing was said about it not being--

M. Burns: Right, we did not know at the time that it wasn't--

K. Burns: --something that was permitted.

M. Burns: We didn't know that there wasn't a permit. We bought that home with the garage already on there, so, I mean, we've--that's why we have the--we came in to get the permit. We wanted to do things right. So, that--that's why we came here. That's why we did the variances.

K. Burns: And we had no--we had no idea that that was not permitted until you guys had brought that up to us.

Boloven: So, question for inspection and it's the same question I asked in the June meeting. The way this--even with the current zoning law changes that just happened, this garage--this set up of detached and attached is currently in violation. Is that correct?

Hershey: I'm not sure. I'm not aware of--

Boloven: They're at 686 attached and 495 detached. That's over 920.

Hershey: Okay. Yes.

Boloven: So, currently as they are, without the addition, they're in violation?

Hershey: I would agree with you.

Boloven: Thank you. Thank you, Mr. Chair.

Coppola: Mr. Fisher. Could you maybe help us a little bit in regards to violation? I think there's a little bit of a--can you think about the fact that there--how old the building is, whether it's grandfathered, some other issues into that?

Fisher: Yeah, I think that's probably why Mr. Hershey was not anxious to volunteer because we don't know the entire story, and clearly, they're out of the--there's an excess in existence. There's no way to deny that. Whether the term "violation" really applies to that--I don't know, it sounds a little harsh for people who walked into a situation not knowing.

Coppola: Alright, thank you.

M. Burns: Yeah, we are trying to do the right thing by getting the permit and doing this, so, we did not know when we bought the home that it was not--it's--

K. Burns: And that will also help out with not being not permitted anymore, because they have to come, and--you know--inspect it. So, now everything that--new will get inspected, plus the old stuff so now that kind of alleviates your problem.

Testa: Mr. Chair.

Coppola: Mr. Testa.

Testa: Question for the petitioners or Mr. Stempien, regarding the survey, so, the current letter we--we have a letter of objection from your neighbor, obviously it's a few months old at this point. I don't see anything new in the packet from them or their lawyer. Do you have anything in writing that they no longer dispute the survey?

Stempien: Well, okay, no I don't have anything in writing from their lawyer saying that they don't dispute it. We had conversations about it. They confirmed to me and--and I believe they're here this evening and can--and can confirm or deny it if they come up to speak, but they had a survey done that absolutely matched what we had already presented throughout this, and I mean, I--you know--I don't have their survey. No, I didn't get a copy of it. He didn't provide it to me, but I can--I can tell you that there's just no--it's absolutely certain in my mind that there's not a boundary dispute any more.

M. Burns: And I--

Stempien: They actually had stakes in the ground--

M. Burns: Yeah, I was just gonna say there's stakes in the ground.

Stempien: --there are stakes in the ground that are in the exact same spot that my clients survey stakes went in, so.

Testa: Okay.

K. Burns: And it's the exact survey that they had put in years back also. They had one back years ago--

M. Burns: Right.

K. Burns: --that was on file with the--with you guys. It was exactly the same as the one that we had and then they re-did theirs, which was exactly the same again. So, there's three surveys that are all the same.

Stempien: And--and--and one of the things that we provided was that we engaged a title company to do the search and they--I mean, they all came up with the same thing.

Testa: No, I appreciate all the due diligence on your side and the data that you provided to us. I was just wondering if you had anything from them indicating to us just a verbal from their lawyer that they're in agreement with your--

Stempien: Correct.

K. Burns: Well, they said that they were willing to speak with us now about changing something on the garage--the footprint, but that's kind of hard to do when the concrete's already there, so if the footprint is there--

Stempien: But just on the boundary lines, yeah, no, it was just verbal. That's correct.

Testa: Okay, thank you.

Stempien: Yep.

Coppola: Alright, just a follow up question on that. So, you stated there was a new survey. I didn’t see it in the package. Did you guys submit the new survey?

Stempien: We did not have a new survey. So, this was a survey commissioned by the neighbor.

Coppola: Okay, I was a little confused, and I’m--am I the only one--maybe I’m the only one who’s confused. I--I got the feeling that there was actually two new surveys done. One by--by your neighbor and one by you and they both match. So, that’s not--

Stempien: No. No. Ours wasn’t new. They--the stakes from the ones that my clients did back in the spring.

K. Burns: They were a year old.

Stempien: Or whatever--a long time ago.

Coppola: That’s pretty new.

Stempien: The stakes were still in the ground from the one they did a year ago and so when the new survey came out that the neighbors did, the stakes they put in were right one the same--

K. Burns: That they did a couple months ago.

Stempien: --yeah, the ones that they did back in--I believe in August, is when they did that.

Coppola: And the survey you did--had a year ago, and I apologize, that’s--that’s in here, correct?

M. Burns: It is.

K. Burns: Yes.

Stempien: Correct. That’s the one that was presented at the original May meeting.

Coppola: And you saw the--the neighbor’s survey?

Stempien: I did--no, I have not--I have not been given a copy of the survey.

Coppola: So, beyond the stakes, you actually can’t attest to the fact that--that the survey’s exactly the same.

Stempien: I can attest that I've been told that which is what I was indicating--that I was working with their lawyer. I mean, look, if we were trying to resolve this problem, because be--

Coppola: No, I understand.

Stempien: --outside of tonight, I mean, outside of this variance request, it's a big issue. Because I was gonna have to turn this over to their title insurance company if there was really, truly a dispute because I've got a title policy that says--

Coppola: Mmhmm.

Stempien: --these are their boundaries. So, trust me, if this was really an issue, this would be a lot bigger than just being here tonight. We'd probably be--you know--there'd be in a litigation over that if that was true.

Coppola: Okay.

Stempien: So.

M. Burns: I did--I did watch the survey company put the stakes in and I did take pictures so that they would--if anybody wanted to see them because I didn't get copies of it. I don't know if the neighbor would have shared it with us, but I did take pictures so that we could see that the stakes were right next to each other and then based on what they're attorney stated.

Coppola: Okay. And just to clear for the record then, you did not get a new survey. Your survey is a year old or so and that was when you bought the property?

M. Burns: No. We just did the survey in December of last year.

K. Burns: Last year.

Coppola: Okay. And you--you were told that the neighbors did a new survey and that that survey came up with the same boundaries as--as your private survey?

K. Burns: Yes.

Stempien: Correct.

Fisher: Mr. Chair. Just for the record, what's the name of the attorney?

Stempien: Hunter Avis.

Fisher: Okay. Thank you.

Stempien: You're welcome.

Coppola: Okay. Other questions?

Baringhaus: Mr. Chairman.

Coppola: Vice Chair Baringhaus.

Baringhaus: You mentioned you have three vehicles. Where do you store them? Are they stored in the garages or are they stored outside of the garages?

M. Burns: The Mustang is stored in the garage right now. We don't--but this winter I'm hoping mine will be at least--in the garage. So, right now they're not. But the Mustang is. The Mustang is in the garage.

Baringhaus: Okay. I mean you look at--you know--you look at your storage requirements--you know--for your property, for your pool earlier--in earlier sessions you mentioned you had patio furniture that you stored. Have you ever looked back and maybe asked the question, do I really need all this to maintain the property? In other words, have you made any efforts to try and steam--streamline the equipment that you're using to maintain the property so that it fits into--

M. Burns: We have--

Baringhaus: --your current level of storage space you have?

M. Burns: I have absolutely tried and just without the patio furniture, there's not room. I--the patio furniture is--is stacked on top. It--it's literally ceiling height to that shed that's on the property right now and I literally pack it all the way up and that's--right now trying to get that to fit in.

K. Burns: And some of that doesn't fit. It sits outside on the--the pad that we have already outside. Tarped. That's the kind of thing--other things that we would like to get stored inside.

M. Burns: Right. We want to eliminate having the tarps because we have had--you know--critters that have moved in on the tarps in the part and we don't wanna continue to breed them and give them homes. We wanna make sure that that is all put away.

Baringhaus: Do you have a basement?

M. Burns: We do.

Baringhaus: Do you use that for storage?

M. Burns: We do. But not--not a lot because it has flooded in the past. In fact, the first year we moved in, we were part of that whole--part of Livonia that their basements flooded, so we don't really try to store much down there.

K. Burns: Some of it's just too hard to carry down there. They're solid. They don't--they're not folding chairs--you know--they're solid patio equipment. It's quite heavy. And we're not getting any younger.

Baringhaus: Okay. Thank you.

Testa: Mr. Chair.

Coppola: Mr. Testa.

Testa: Sorry. Question for the petitioner. You mentioned expanding the garage--I'm sorry, the footprint. You talked about the footprint and the concrete already being there. So, from the pictures, it looks like you already have concrete and you're building on that. So, does that--does that concrete have all the proper footings that you need?

M. Burns: Which--we--the expectation is that it does. The builder--we are willing to obviously change that if it's not. When it was poured, it was at--the intention was to do that. I don't know if the laws have changed but--

K. Burns: He poured everything but the footer. The footer was going to be poured later to--when we got a permit for it--to do that. And it's gonna be the same footprint as the existing garage.

Testa: Okay. So, you'd had the concrete poured since you've owned the home, correct?

K. Burns: Yes.

Testa: Okay. Understand. Do you have any other outbuildings or sheds?

K. Burns: We do have a shed on that pad.

Testa: Okay.

M. Burns: That we will get rid of if--

Testa: You will be removing?

K. Burns: Yes.

M. Burns: We will.

Testa: Okay. Thank you.

Coppola: Okay, just for the--again, for the record, although these have been asked, but this is--you've come back, what type of utilities will you have in--in the garage?

M. Burns: What we will have is--there's gonna be two vehicles, the--the F-150, the Mustang--

Coppola: In--in the new garage?

M. Burns: Oh, in the new garage?

Coppola: In the new garage.

K. Burns: Oh, no, no, no. In the new--

Coppola: Yes.

K. Burns: Go ahead.

M. Burns: Right now, the plan is--everything that we have in the shed right now would go into the new garage, which is rototillers, tarps, the pool equipment, furniture, anything that's on the pad which is a--

K. Burns: My other tractor that's on there. I have a tractor for--for the plowing and stuff like that and then for leaf removal and then one also to cut the lawn with.

Coppola: Alright, that's helpful. But the question was--

K. Burns: Oh, I'm sorry.

Coppola: --utilities. Electrical, water, heat.

M. Burns: Oh. I'm so sorry.

Stempien: Yeah, what are you guys gonna run? What kind of--

K. Burns: There is power in the garage right now, so they would just transfer it over in the other garage so I could have a garage door opener and a light in there.

Coppola: Okay. No water?

K. Burns: No. There's a heater on the side of the wall right now, but it has not been hooked up since I've lived there. It's propane. But that'll come--that's the walls that we're wanting to get rid of and the new wall won't have any access for heat or anything like that.

Coppola: Okay, and then access to the garage from the front--will there be a driveway, will there be paving, is it gonna remain--

K. Burns: It'll be a driveway. We'll pour the pad to come into the existing one.

M. Burns: Yeah.

Coppola: So, you're gonna have a driveway all the way to the front of the property or is there--

K. Burns: There's already a driveway already there. It's already all there, we're just gonna--a little teeny patch of grass would only be that they had to fill in.

Stempien: Yeah, there's be very little concrete work.

K. Burns: Yeah.

Stempien: It'd be a very small little pad that they'd have to put in. There's a--there's a lot of concrete there already. I've been there. It's a big driveway.

M. Burns: Yeah.

K. Burns: It'd just be the entrance way which is probably about four and a half feet--five feet.

Coppola: Okay, and just real quick materials, siding, roofing.

M. Burns: There will be siding that will match the current siding that's on the house--or on the garage right now. It's like a beige.

K. Burns: An entire new roof.

M. Burns: An entire new roof--roof to match the roof that--because we just had--we--we needed to get a new roof on that so, that'll match the house. And we don't plan on putting windows in it. There's no windows.

K. Burns: No, nothing like that.

M. Burns: The door's on there, it'll remain. We will have a rolling door--the garage door in the front.

Coppola: Okay. Any other questions?

Baringhaus: Yeah, Mr. Chairman.

Coppola: Vice Chair Baringhaus.

Baringhaus: Yeah, driving through your neighborhood, I do see a lot of properties that have garages that are smaller than yours, but yet they have--you know--similar size properties, wooded lots, items like that. How are they able to maintain their properties with smaller storage facilities?

K. Burns: The one side of our street are smaller homes. They have smaller backyards--

Baringhaus: Okay, I--I understand that, but I mean, I'm referring to your side of the street.

K. Burns: Our side are an acre, acre and a half, five acres, three acres--

M. Burns: And most--most of them have--I think those that don't--

K. Burns: --are in excess of an acre, most of them on our side.

M. Burns: Right. Or they may have lawn services that come out but a lot of the ones like in our immediate area, they do have the large garages or pole barns or the second garages and those--

K. Burns: And a lot of those are two stories. We're not asking for a two story one.

M. Burns: Right. So.

K. Burns: Our neighbor next to us has a pole barn. It's two stories. It's quite large.

M. Burns: But yeah, so why don't they--I'm not sure. The only thing I can say is I know we do have some elderly people on the block, so, again, that maintenance as far as having people come in to do it. We do wanna maintain our home because I think we do a better job than a landscaping company would do. We take it more personally and we try to make it look nicer than I think--

K. Burns: That's why we moved (inaudible) like that.

M. Burns: --than what a landscaping company--

Baringhaus: Yeah, because on your street, I just noticed two structures. One was a grey house basically one where the garage--one side of the garage is a little bit taller, has a little bit taller door, and then there's another house, I think it's two doors down from yours towards the East, maybe has a smaller--looks like two single garage doors on it towards the front of the property. It looks like it's been there forever--you know--possibly before even Livonia was a city. But, wooded lots, similar size lots, I was just wondering how they're able to manage their properties without an extremely large amount of storage space like you're requesting.

M. Burns: Yeah, I do see tarps over some of the things. I know there's carports that some people have--maybe not a garage, but they have a carport, and then they have tarps, things like that. And I can't--because--the lots are wide, I can't see back into everybody's backyard to know.

K. Burns: Several people use trailers. They'll just put trailers on their property and use them as storage units. There's quite a few of them going on around us. You happened to let a neighbor of mine down the street--he built his and he didn't come for permits or anything like that, and he went two stories tall, and you guys approved it after the fact. I was shocked about that.

Baringhaus: What house is that? Do you have an address?

M. Burns: No (Inaudible)

K. Burns: No, I don't have the address with me.

Baringhaus: Okay, thank you.

K. Burns: Sorry. I should have brought that.

Coppola: Have questions? Alright, seeing none, you can go ahead and have a seat for a moment, please.

M. Burns: Thank you.

Coppola: Is there anybody in the audience that would like to speak for or against this petition? Step forward. I'll need your name and address before you begin to speak, please.

Hochberg: Good Evening. Can you hear me? My name is Crystal Hochberg. 30035 Munger. I'm Jenise Thompson's daughter. There's a few things that I wanted to address. First off, I wrote something out so I wouldn't mess it up. I would like to start off first by saying for the record, the City of Livonia violated my FOIA rights three times. We tried to get a copy of the Burns' survey. On May 4th I submitted an electronic request to the law department and did not hear back from anyone. On May 12th--or May 4th--then again on May 12th I called the law department and addressed the issue and they seen my request, transferred it over to a Karen Thompson, she had did her due diligence and inquired in every single department and said that it didn't exist. It did exist. She also emailed me a letter that--it was notarized, stating that it never existed. Then on June 14th, I sent over another request to the law department requesting a copy of the survey. Still got no response. That same day, Mrs. Burns approached me outside and asked me what we were doing. I tried explaining to her that I could not get a copy of the survey. She laughed and said she was able to get a survey--get a copy of our survey just by walking into the city and asking for it. So, July 15th, I went down to the city in person and asked for a copy of their survey. I was told to fill out a FOIA request. Later that same day a lady called me and asked me some questions about my request and told me somebody would get back with me within five days. That never happened. My question is, why did Mrs. Burns--you know--was granted special treatment and here I was never able to get a copy of their survey since May? So, my FOIA rights were violated. I was never contacted for an extension. Nothing. My--our attorney, back in May, he put one in also too, they never responded to him. He recently put one in now and they did respond.

Coppola: Okay, those are--those are items that the Zoning Board can't address.

Hochberg: Yeah, I just wanted to address that for the record.

Coppola: So--so you did get a copy of the survey--is that what you said?

Hochberg: Mrs. Burns ended up giving me a copy of her survey. I've never heard anything back from the city.

Coppola: So, we've also--they've also stated when they were speaking that--that you had a new survey done, is that correct?

Hochberg: Yes, we did.

Coppola: And what did that survey show?

Hochberg: That--that's another thing. We've never really talked to our attorney yet even about our survey and he's never even seen it. So, I don't know what conversations that he's been having with Mr. Stempien. We only heard from our attorney today and he supplied us with some documents through an email on the property. That was it. So.

Coppola: Okay, so the open question is what did--what did the new survey show regarding boundaries?

Hochberg: The new survey does show that it does--you know--match up. It is off. The only thing that is an issue is--

Coppola: What's off? I'm sorry.

Hochberg: Their surveyor have a lot of the dimensions off and he never fully dug up the survey--the stakes that were in the back because he could tell that their surveyor never dug it up. He also stated too that for some--

Coppola: I'm asking about your survey. So, what did you survey show?

Hochberg: That's what I'm talking about--is the--

Coppola: But you're telling--you're comparing it to his. I just want to know what your survey showed on--for boundaries.

Hochberg: For boundaries it does pretty much match up. Yes. It only--

Coppola: Okay, so--so then then--before I think and I'd have to go back and read it specific, but thought that you had stated when you were hear last time that there was potentially an encroachment on your property with some of their structures. Is that no longer an issue?

Hochberg: Well, the--the survey guy right now, he want--he would like to come back out but in order for him to come back out I have to be able to obtain a copy of the actual lot split because whoever surveyed when they did the lot split for the 70 foot--the 70 foot extends onto lot 56 and lot 56 stands alone. Only lot 55 is split. So, that's one of the issues there too. The other thing I just wanted to address to get on--to put on record that when my dad built the garage, he got a survey done by Apex. I don't have a copy of that survey, the city does, but I do have in here from zoning--that zoning signed off on it and it was inspected. This survey shows differently from like what we have now. And then in 2012--I'm just saying there was a lot of wrong surveys--Greg Ash surveyed our property and showed that it's 140 and then lot 55 is 140--that it goes all the way through and that was a sealed survey. So, I'm just trying to show a history of bad surveys going on on our property--you know--a lot of stakes going in the ground and stuff like that, but there was, attached to this document--I misplaced it, it's in the house--to where my dad had to be fifteen feet from the property line when he was building the garage and you guys should have a copy of that. It was from the inspection department. I misplaced that part in the house. But other than that, the surveyor that surveyed everything pretty much adds up except for the 70-foot. Whoever pre--whoever surveyed for the lot split--the 70-foot comes onto lot 56.

Coppola: Alright, so, let me try to see if I understand. You had a new survey done and it appeared to show that the--that survey matched the neighbor's survey. but you are still--you dispute the new survey and the neighbor's survey. Is that--

Hochberg: No, I'm--we're--I'm not disputing it. I'm just making a comment that the surveyor said whoever surveyed the copy during the lot split because we've been trying--we've been having a really hard time trying to get any documents from the city, let alone trying to obtain the actual lot split of lot 55 and the survey that was done for that because the 70 falls into lot 56.

Coppola: Well, the property description is what they surveyed. And the property description would have been what was filed with the county.

Hochberg: Right.

Coppola: And they surveyed the property description. So, are you stating that the property description's wrong?

Hochberg: That I don't know. I just found out today that you brought that up. I got an email for the attorney. Apparently, when my dad first bought the property, he bought it for two lots, therefore, also lot 56. I have a copy of that. But then our attorney sent over today that said that Gallagher--our legal description on the taxes is 55 "A" and "B." Well, it was originally 55 “A” alone, then 55 “B” alone, and 56, and then Gallagher ended up removing lot 55 “A” and then lot 55 “B” designation when he built our new house which we just found out about that today. So, I don’t know what that’s about or why that was done. And I don’t have that document--he didn’t sent that to me.

Coppola: Okay. So--can--I think--so, what you’re stating is you got a new survey and you’re still not--what’s the word I wanna use--not in agreement with that survey. So, you’re still--you’re still stating that the--the neighbor’s property--I’m sorry, structures, are encroaching on your property?

Hochberg: No. I’m--I feel more in agreement with it. It’s--the only thing is the back lot line.

Coppola: So, how--how--so, how does that impact the neighbor’s ability to build the structure. They’re not gonna encroach on your property. So, the property lines are no longer an issue, you can resolve--at least in regards to this project--this petition. Is that correct?

Hochberg: Yeah. The thing is with the back property line--when he built it--when we put the cement down, I mean, he--he didn’t build--put the cement on the property line because he built steps there too. That was approved and inspected by the city to be able to step off. Since 1980, we’ve maintain--that’s over what, 30 plus years--we’ve maintained behind the garage--right up to behind the garage down, and there’s a step there that was down for 30 plus years and when Gallagher built in this garage illegally--I mean, there’s a reason why he built it illegally, given who he was. I mean, the electrical that runs under the ground that goes to the garage is illegal, I mean, there’s a lot to look at here. And then I noticed the square footage--

Coppola: When was it--when do you believe that garage was built?

Hochberg: I have no idea. I pulled up a map from--

Coppola: So, then how--how would you be able to assert that it was built illegally?

Hochberg: Well, because it never had a permit.

Coppola: It may not have needed one at the time it was built.

Hochberg: So, it’s not a non-conforming garage then?

Coppola: It’s not conforming pursuant to the current zoning, but if it was built prior to what is non-conforming--that zoning rule, it is grandfathered and is permitted--not permitted with not being permitted--it’s allowed--then we use the word allowed.

Hochberg: Because the last--the last meeting everyone said that it was not grandfathered in. Nobody knew what year it was built to even be able to grandfather it in.

Coppola: Well--okay. So, getting back to the petition, the petition is in regards to--to adding on to an existing garage--previously there was a disagreement as to property lines and that the garage would potentially encroach on your property, and it seems that issue's resolved, so do you have any other--

Hochberg: Yes.

Coppola: --any other--

Hochberg: Yes.

Coppola: --reasons why you do not want them to--do not want us to allow them a variance.

Hochberg: They have a lot of garage for one. They have a lot of garage. The front garage is the three-car garage. Their front garage is 715. That was the documents that Livonia had sent over to our attorney. Their square footage changed from 2,044 of their house, to 1-9--1-8-9-6, now it's down to 1-8-3-6. Their garage went from 715 to 6-8-6 to 6-4-8 now, and then their back garage was 440, instead of 494. And then the acreage alone went from 2.224 to 1.530 and Wayne County says 1.49. I mean, there's--

Coppola: Okay.

Hochberg: --a lot of discrepancies.

Coppola: So, you're disputing--or you're objecting to the petition because you believe that--that--that the garage is too big.

Hochberg: Yeah, they have a lot of garage space. They have--

Coppola: How--how big is your garage?

Hochberg: --a lot of storage.

Coppola: How big is your detached garage?

Hochberg: The detached one is 18 by 30 and then the front garage is only 616.

Coppola: Is that a two-car or three-car?

Hochberg: It's two-car. They're both two-car. And the other--the other concern about the back garage is we have a lot of--we don't have a fenced in yard. We have a--we've experienced lots of intruders on our property all the time. There's been break-ins in their yard. They come through our yard. Everybody goes for--they grow a lot of marijuana on their property. So, that's always been an issue.

Coppola: I'm sorry. Who does?

Hochberg: The Burns' do. And they try to prevent us from--it's like a long history. People coming into our backyard everything. Mr. Burns doesn't like it--to be able to see the marijuana. So, our concern is, is this new garage going to be for--you know--to grow inside--the marijuana--you know--and there's the other thing with--you know--our property is overrun with deer. It's horrible. We love the deer. We enjoy it. It's great. I mean, we had twelve buck on our--in our backyard yesterday. The deer live in our backyard. I can't go to the back garage because it's so over run. There's deer feeders just everywhere. Now it's to the front of the house, right on our side door, can't come in and out of the driveway anymore, but it's just--yeah, that's our concern, I mean, we have--we have people that just walk in our backyard thinking it's a park and it's not a park. It's our private property and they just come in and walk straight down to our back garage. I mean, we have police reports of intruders on our property and that's just me and my mother there right now and--you know--it's not good when--you know--living next door to somebody that grows marijuana and--you know--it's our safety. We have a side door right there--you know--and yes, their gate is locked, but--you know--somebody broke in and breaks into it. So, those are--you know--some issues.

Coppola: Okay. Anything else?

Hochberg: No. Thank you.

Coppola: Alright, thank you. Anybody else? Alright, do we have correspondence?

Klisz: Yes, we have some letters from various meetings that never have been read into the record and we've gonna cut the last one because obviously she just spoke. First, a letter of approval, Erica Lewis, 29998 Munger (Letter read.) A letter of approval, Emma Alholinna A-l-h-o-l-i-n-n-a, 29931 Munger (Letter read.) A letter of approval, Diane Michelson, 29930 Munger (Letter read.) A letter of approval, Michele Fox, 29960 Munger (Letter read.) A letter of approval, Margie and Ken Motsch M-o-t-s-c-h (Letter read.)

Coppola: Alright, thank you. So, Mr. and Mrs. Burns' anything you'd like to say in closing?

Stempien: No. I just wanna--well, first of all thank the Board for it's patience. I know that this petition has taken up a lot of the Board's time between May and--and October. It sounds like the boundary issue is resolved. I just want to come up just incase there's still more questions after--after the neighbors came up and respond to anything if there was any--still some lingering concerns on that issue. Other than that, I think the letters kind of state our closing statement for us.

Coppola: Well, I guess the one question that rose is--is the Burn--are the Burns going to be using the additional space as a grow facility?

Stempien: They will not.

Coppola: Thank you.

Baringhaus: Mr. Chairman.

Coppola: Vice Chair Baringhaus.

Baringhaus: Yeah, can you explain the 70-foot discrepancy that Mrs. Hochberg was eluding to and then also comment on the fact that maybe you and her attorney have been having conversations on both surveys but she doesn't seem quite clear on what's been determined from those surveys,

Stempien: Well, I can't speak as to any communications between Mrs. Hochberg and her attorney because of course I'm not a part of that conversation nor am I allowed to talk to Mrs. Hochberg directly because she is represented by counsel, so I have to go through her attorney, so all of my communications are with her lawyer. Any communications between her and her lawyer I don't know what's being said, but I know that there's very--there's a lot of clarity--I mean, look at, the title insurance company--there's this discussion of well, maybe the property description's off or maybe the--this is why we engaged the title insurance company to do searches on both pieces of property. This is what they do all day, every day. They go back as far as the records will possibly take them and there is no discrepancy. I mean, we would have to say that the title insurance company or the title company that we hired is wrong--that the surveyors are wrong--that everybody who's every looked at this is wrong. The city--the city's records are wrong. I mean, we'd have to say every single piece of paper that we can get on this property is wrong in order for there to find any discrepancy with it. I am unclear as to what the 70-foot issue is, but--but what it--what I understand maybe what it is, is that it's 140-foot lot, lot 55, half of it belongs to my--the back portion of it--half of it belongs to my clients and half of it belongs to the neighbors, and so that's the 70 feet. My clients have 70 feet. They have 70 feet of it. I--but I don't know where there's a discrepancy there. I just don't --I just don't see it.

Baringhaus: Okay. Thank you.

Stempien: Okay.

Testa: Mr. Chair.

Coppola: Mr. Testa.

Testa: Can you speak to the comment about break-ins--I think throughout your case there's been talk of hardships, I don't recall anyone indicating there's been break-ins and that's maybe a need for you to bring things into a more secure building instead of being outside in a shed--

K. Burns: Yes, I live close to Six Mile and Middlebelt, there's been a couple of robberies up there just recently and a couple things have happened on the street also.

Testa: Have you had anything on your property?

K. Burns: No.

Testa: Okay. Thank you.

Coppola: Anything else?

Stempien: Thank you.

Coppola: Alright, thank you. So, I will go ahead and close the public portion of the case and start the Board's comments with Mr. Testa.

Testa: So, thank you. This is kind of a strange case in terms of all the comments over several meetings. I think in general I can support this. I thank you--to the lawyer--Mr. Stempien, for laying out in the letter very clearly kind of the uniqueness requirement, the practical difficulty, and the effects on--on the neighborhood. I understand the hardship, the size of this lot and what you need to maintain. So, I would like--give a little pause on the size of it, but it's not too far out of reach so I can be in support of this.

Coppola: Alright, thank you. Mr. Morgan.

Morgan: Yes. Thank you. Based on the information that we've been provided and listening to all parties, and the lot survey that we've been provided and the party requesting this, I don't see a problem with this. This lot is a pretty decent size, and the neighbors have similar size garage if not bigger. It doesn't appear that it'll be blocking anyone's view and I would definitely be in favor of this.

Coppola: Okay, thank you. Mr. Boloven.

Boloven: I'm going to echo my comments from last time. I wouldn't be in support. The only thing that's changed since this last meeting was our laws have gone up to allow for 920. There's 1181 currently there, it's over by 261. So, we're already taking something that's got an overage and adding another 374 when you have clear neighbor opposition to the direct neighbor whose property line is basically--again, take the boundary dispute as a red herring, this garage is going right next to the neighbor's property line and that neighbor's in opposition. So, you have something that's already over by 261 square feet, you're gonna add another 374 to make it even further over what's existing, so based on that, it's not meeting my standards, I would be in opposition. I would be in support of a denial. Thank you.

Coppola: Alright, thank you. Mr. Turbiak.

Turbiak: Thank you, Mr. Chair. Back when this before us in June, I was likely gonna be in support of it that evening, conditioned on the future resolution of the boundary dispute if that were to ever come to fruition and that seems to have been resolved, and given the further support from Mr. Stempien's letter and then he laid it out again for us clearly, verbally tonight, and given the fact that the neighbors have reduced the size to minimize their request, in light of the large property and several pieces of equipment that they have--that they use to maintain the property to keep it looking good and they have a pool and two sets of patio equipment to areas where they can enjoy their property, I think it fits with the neighborhood. There's several other garages on that street that are of similar size and for those reasons I would be in support of the variance request tonight.

Coppola: Alright, thank you. Vice Chair Baringhaus.

Baringhaus: Just looking at this, one thing that I see is the fact that the property itself--and I agree with Mrs. Hochberg statement, I kind of watched the number on this case kind of float around over the last several sessions and I guess knowing that, I've already questioned from day one was--you know--the Burns stating that they had over two acres of property and now tonight they have--you know--one and a half acres of property itself, and then some other dimensions that--the boundary line gave me some cause for concern as well. One and a half acres of wooded property in this particular RUF zoning area, that's not uncommon. We've dealt with that a lot before. Normally, you'll get a situation where you'll have a garage--you know--and it's about the size of the Burns--you know--maybe 700 feet--600 feet, and then they'll add a second structure onto that and then that would put them over--the variance would allow it to go over the ordinance, but generally many property owners that have come before us have found it's a workable solution. With the Burns, they're already going in with over 1000 square feet of garage area to begin with. They're already out of compliance with the ordinance, and to Mr. Boloven's point, and I agree with that, now they wanna add another 330 square feet of additional storage space. I haven't really seen a hardship from--from the Burns that's been demonstrated. People are taking care of large properties with less structures. People still have other items to store--vehicles and that, and they seem to be getting by. It seems like with the Burns, they're adding structures, filling them, and then they'll add another structure with the goal of filling that. Based on that, I really haven't seen a hardship, I still have some questions about the numbers I've heard over the last three cases, at this point, I will not support the variance.

Coppola: Alright, thank you. Secretary Klisz.

Klisz: Yes, I will be in support. I think the people who have spoken tonight have given good passionate reasons for it. I don't have much else to add. I think the hardship's there. Mr. Stempien's letter outlines the requirements that we're required to find, and I think the neighbor letters--there's quite a few of them that are in favor of it and only the neighbor that spoke this evening is against it, so based on those reasons, I'll be in support.

Coppola: Alright, thank you. Last time we heard this case I expressed my--my concern on the size, and I still have concern on that. This is on a--on a--aggregate basis, you're talking 1500 square feet--that's probably large--as large as the average size house or maybe even larger than the average size house in Livonia. There's already an existing, almost 500 square foot garage--two-car garage basically--two--two and half car garage addition on the property in addition to a three-car garage, more than enough space to put--put the three vehicles, although, probably a little tight with two F-150s fitting in a--in a garage that size, but more than enough and--and with the--really a full two-car garage--really enough space to probably store what needs to be stored and then you got your next door neighbor's objection and that's the only neighbor that--that was just--juxtaposition basically next to them--next to the petitioner that--that responded and responded with an objection. Everybody else was close but not--not next door. Across the street, couple lots away, but not right next door. Now, there's currently a shed on--on the pad which I guess if I--if I had to choose between the two, I would choose a garage over--over a shed and then I would definitely make sure that there were no further outbuildings, but again, the size is just excessive from my perspective and we did ask them to moderate--they did--and there was some moderation I think from the original, went down maybe 44 square feet total, but it's still just--just way to big. I--I don't recall many approvals for a--you know--1500 square feet worth of--worth of garage space. So, I'm gonna--I'm not gonna be in support. So, I'll go ahead and open up the floor for a motion.

Upon Motion by: Klisz. Supported by: Turbiak.

RESOLVED: APPEAL CASE NO. 2021-05-18 (Rescheduled from September 14, 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," **be granted for the following reasons and findings of fact**:

1. The uniqueness requirement is met due to the large lot size and the requirement of lawn/snow equipment needed to maintain the property.

2. Denial of the variance would have severe consequences for the petitioner because without it they would be unable to properly and securely store equipment on the property.

3. The variance is fair in light of its effect on neighboring properties and is in the spirit of the zoning ordinance because of the majority neighbor support.

4. The granting of this variance will not adversely affect the purpose or objective of the Master Plan because this property is classified as "Low Density Residential" under the Master Plan and the proposed variance is not inconsistent with that classification.

FURTHER, the variance be granted with the following conditions:

1. That the building be built as presented.
2. That no business is to be operated in the building.
3. That the petitioners remove their current shed.
4. That there be no further out buildings on the property.
5. That the permit be pulled within nine months.

Coppola: Any discussion?

Turbiak: Mr. Chair.

Coppola: Mr. Turbiak.

Turbiak: If the maker of the motion is amenable to it, I would propose putting a time limit on it, given that we're in October, maybe nine months to pull permits?

Klisz: Sure. So, add the fifth condition of nine months to pull permits.

ROLL* CALL *VOTE:

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

Klisz: Passes 4-3.

Coppola: Alright, Mr. and Mrs. Burns, your petition has been approved by the Board in a 4-3 vote. There are conditions. Those conditions are it has to build as you presented it, if you do make changes, you'll have to come back before the Board. So, the building department will be looking at your petition and what you presented to make sure that that matches up. You're not to run a business in--in that building, although that's already an ordinance and a law, so, we're telling you not to break the law.
K. Burns: Okay.

Coppola: You are to remove the shed and you are not allowed to have any other outbuildings on that property and then you've got nine months to pull your permit.

K. Burns: Okay.

Stempien: That's what I wanna make sure--that's to pull the permits is the nine?

Coppola: To pull the permits.

Stempien: Right, okay.

M. Burns: And the shed removal is when we get the garage built, right? Like once it's being built. Because we need it right now.

K. Burns: We--we need the storage.

Stempien: Well, and the reason for that is that winter's coming, so there's no way they're gonna be able to pull permits or start anything until the spring so--

Coppola: You'll have to move it anyway, it's on--it's on the pad, right?

M. Burns: Right. Once it starts, yeah.

Stempien: Correct. Once construction begins, the shed's gone.

Coppola: When you get your--when you get your certificate of--whatever they call it, I'm sure it's not certificate of occupancy--but sign off, yes, that shed will have to be removed.

Stempien: Okay.

K. Burns: Okay.

M. Burns: No problem.

Stempien: Thank you.

K. Burns: Thank you guys so much for everything. Sorry it took so long.

APPEAL CASE NO. 2021-05-23 (Rescheduled from September 14, 2021): An appeal has been made to the Zoning Board of Appeals by HF18, LLC, 25896 Timber Trail, Dearborn Heights, MI 48127, seeking to erect a ground sign with electronic pricing and message center resulting in excess sign area. Electronic message centers are not allowed on nonconforming ground signs.

Ground Sign Area:

Allowed:	40.0 sq. feet
Proposed:	54.4 sq. feet
Excess:	14.4 sq. feet

The property is located on the north side of Seven Mile (27430), between Inkster and Rensellor, Lot. No. 004-01-0530-000, C-2 Zoning District. Rejected by the Inspection Department under Livonia Vision 21 Ordinance, Section 6.26(13)A, "Gasoline Service Station; Signs," and Section 11.10(2)E, "Sign Illumination; Standards."

Coppola: Alright, thank you. I think is a reschedule--is also a table, so we'll need a motion to remove it from the table.

Baringhaus: Mr. Chairman.

Coppola: Vice Chair Baringhaus.

Baringhaus: Motion to remove Appeal Case 2021-05-23 from the table.

Klisz: Support.

Coppola: I have a motion by Vice Chair Baringhaus, supported by Secretary Klisz to remove from the table, all in favor?

Board: Aye.

Coppola: So, removed. Okay, Mr. Hershey, anything you'd like to add?

Hershey: No sir, not at this time.

Coppola: I think the last time--I have a question for you real quick--the last time there was a height issue and I have not had the chance to get fully--so, this may be a Mr. Fisher question--fully through this did the change in--in the ordinance move favorably in regards to height in any shape or form?

Fisher: I don't think we gave him more height if that's what you're asking.

Coppola: Yes. If the--if the change in ordinance gave higher--you know--larger or higher--taller.

Fisher: No, I don’t think so.

Coppola: Okay. Okay. Anybody else have questions for Mr. Hershey? Alright, seeing none, if the petitioner could step forward, name and address first, please.

Bazzi: Sure. Name is Ali Bazzi. Address is 30825 26 Mile Road, New Haven, Michigan, 48048.

Coppola: Alright, Mr. Bazzi, why don’t you tell us about what changes you have made.

Bazzi: Not sure if the Board has the latest and greatest renderings.

Klisz: Yes.

Bazzi: Okay, just wondering.

Klisz: I mean, the one you’re holding up--

Bazzi: Yeah, if I may approach just to--

Baringhaus: Sure.

Coppola: Well, no, I have to--I can’t see it. It could have had changes.

Klisz: I can see it from here.

Bazzi: Yes.

Coppola: I haven’t seen the specifics. Do you have a copy of that--

Bazzi: Yes, I brought some copies. So, I’ve actually brought a couple.

Coppola: I just wanna confirm what’s in the package is what you--what you’re holding up. That’s all.

Bazzi: I don’t have enough for everybody.

Coppola: That’s okay, I’ll--I’ll pass it on. I just wanted to confirm that it’s exactly the same.

Turbiak: Looks like the same.

Bazzi: I’m sorry, guys.

Boloven: You’re good.

Coppola: I just wanted to confirm that it was the same and it appears to be the same.

Bazzi: Alright, perfect. Great.

Coppola: Okay. So, please proceed.

Baringhaus: Mr. Chairman.

Coppola: Yeah.

Baringhaus: Okay, do you have a diagram that confirms the height?

Coppola: It's on the side.

Bazzi: It's on the side. It's seven and--seven and a half feet.

Siddiqui: Six and a half feet.

Bazzi: Six and a half feet. So--so--it's--the dimension's 78 inches.

Baringhaus: Gotcha. For the--

Bazzi: Yeah. So, we wanted to leave some space to put brick underneath the sign to maintain the twelve-foot height, I believe the ordinance is.

Baringhaus: Okay, I'm with you now. Okay. Thank you.

Bazzi: You're welcome. Since our last meeting--our initial meeting I should say, we--we talked about the electronic message board, so we presented it--you know--without the electronic message board. There was concern from the neighbors in regards to electronic message board. We did have a conversation with one of the neighbors after our meeting and discussed what we were trying to present and what them as neighbors, their concerns. So, we listened to them, and we came back with this rendering. Our hardship really consists of three factors. One is the oil company, Shell Oil Company themselves, their requirements in regards to their pectin, which is the--the Shell and how much space they want on the sign in regards to showing their logo and their--you know--their V-Power Shell, and then also, there are state requirements in regards to the--the LED sign. So, the state requires that the--the word regular or regular credit or regular cash be half the size of the LED portion. So, if the sign--if the LED is twelve inches, the lettering has to be six inches. So, that's a state requirement. So, with the oil company's requirements and the state requirements and trying to meet the city ordinance, our hardship is trying to keep everybody happy. I might not show you a sign that--we had to go back--well, the sign that I actually presented to you today, which you've had, was finally approved by Shell. It was really non-conforming to them because we had to shrink their logo and their--their portion of the sign to--to try to meet state standards and the city ordinance, so, basically, in doing so, it took a while for us to get that approved. That's why we had to request a table for our last meeting because if the Board approved it and Shell didn't approve it then it was just moot point. So, here today, we've finally got our approval from the oil company, we meet the state requirements, so we--so we had to ask everybody to give a little bit to shrink the square footage. So, we were able to get it to roughly 52 square feet--52 and a quarter square feet in total size of the logo and the numbers and in height, we are at 78 inches, which would give us roughly around three and a half, four feet of brick underneath the sign, so it would be very eye appealing. So--and then it gives it a little bit of height off the ground, so it'd be visible from the road. We also presented this--prior to the meeting today--we presented this to one of the neighbors to show them what we were looking to ask for, got his opinion on it. Seemed like it was very favorable. We want to be a good neighbor, and then--you know--obviously be a good neighbor and be good business partner in the city.

Coppola: Okay. Thank you. Just real quick, you said brick--

Bazzi: Yeah, it's not on the rendering.

Coppola: So--so instead of the pole, you're gonna have a brick base?

Bazzi: Well, the pole will probably be there from the footing perspective, but the brick will be around the pole, so--so basically, four feet down--four feet down from the base of the sign--roughly four feet, no more than twelve feet total height to meet the ordinance. We would have that bricked up.

Coppola: Okay.

Bazzi: So, instead of the sign really sitting on the pole, it'd be sitting on the brick base.

Coppola: Okay. And how--again, how tall is the brick base? 66 inches? Is that what it says?

Bazzi: No, the--the--the cabinet itself is 78 inches, so--which is roughly six--six feet and--

Siddiqui: Six and a half.

Bazzi: Six and a half feet. So, we'd have roughly about four and a half feet of brick underneath it to give it the twelve feet height.

Coppola: Okay. Questions?

Baringhaus: Mr. Chairman.

Coppola: Vice Chair Baringhaus.

Baringhaus: Do all Shell stations sell Diesel and E-85?

Bazzi: Good question. Not all Shell stations sell Diesel and E-85. I get--really--it's the configurations of the tanks and the pumps, but at this particular location we will be selling

Diesel and actually we will be selling rec fuel as well but it's not gonna be posted on our price line.

Baringhaus: Oh, is that--that's not required by state law or--

Bazzi: No. Yeah, state laws requires if you're gonna post any post that it--it's--how would I put this--that it meets the standards that the state requires.

Baringhaus: Okay. In terms of the brick, can you kind of describe the color. Is it gonna match your building?

Bazzi: So, it would match the building. It'd be a--it'd be a brown color to match the building and then we'll probably have some limestone on top just to, again, to correlate with the building.

Baringhaus: Okay. Okay. Thank you very much.

Bazzi: Thank you.

Turbiak: Mr. Chair.

Coppola: Mr. Turbiak.

Turbiak: Thank you. Through the chair to the petitioner, Mr. Bazzi, how many tanks do you have on the site?

Bazzi: So, we have two tanks and they're split into compartments.

Turbiak: Okay. That was gonna be my next question.

Bazzi: Yes.

Turbiak: How do you plan to sell so many different types of fuels with just two tanks?

Bazzi: Yeah, so, yeah, so, we have two tanks and one of the tanks actually split into--into three compartments. It'll be premium, diesel, and rec fuel.

Turbiak: Okay.

Bazzi: And then one tank will be just regular gasoline.

Turbiak: Okay. I see. So, two tanks, four total sections all together. Not four for each tank?

Bazzi: No. Four sections all together. Yeah.

Turbiak: Okay. So, again, just so I have--regular--

Bazzi: Regular.

Turbaik: Premium.

Bazzi: Premium.

Turbiak: Diesel.

Bazzi: Diesel.

Turbaik: And--

Bazzi: Rec fuel. Which is non-ethanol gas, so if you have a boat--if anybody's a boater or snowmobiler, even running your lawn equipment, it's non-ethanol gas so, for two cycle engines, smaller engines, or even boat engines, it's great for--for performance and not damaging your engine.

Turbiak: Okay. I honestly wasn't familiar with that. What I didn't hear you say though is E-85.

Bazzi: E-85. We don't have E-85 on here. So, it's something that we could probably do if we took out diesel and made it E-85, but we're gonna--we're gonna see what the demand is in regards to, obviously, the--you know--from our customer base.

Turbiak: Okay. I do see one difference now between what you've presented on paper and what we have in our packets--

Bazzi: Okay.

Turbiak: --which is the E-85 is listed in our electronic copy--

Bazzi: Oh, sorry.

Turbiak: --this says V-Power. So, what is V-Power?

Bazzi: It's the premium that Shell sells.

Turbiak: Okay. Okay. Let me see if I have any other questions. I'm learning a lot.

Bazzi: Yes.

Turbiak: And this is just a clarifying question, is it HFI8 or HF18?

Bazzi: It's HFI.

Turbiak: Okay. And my other question was why this had been on the agenda so many times, but I think you explained that there was a timing issue with getting approval from--from Shell.

Bazzi: Correct.

Turbiak: That's all the questions I have.

Bazzi: Thank you.

Klisz: Mr. Chair.

Coppola: Secretary Klisz.

Klisz: So, the--I know that there's a segment of the petition that is the electronic part of it and that--looking at it, I'm assuming that everything is static and the only thing electronic is the actual numbers?

Bazzi: Yes. Yes. And the numbers don't flash. They don't--

Klisz: They don't change.

Bazzi: Well, prices change--

Klisz: Right, but they don't change on the spot. That--I just wanted to clarify--

Bazzi: If I could put it 99 cents for the rest of the--yeah, that'd be great.

Klisz: Thanks.

Bazzi: You're welcome.

Turbiak: Mr. Chair.

Coppola: Mr. Turbiak.

Turbiak: Thank you. Yeah, this is actually to the inspection department, and it's just a clarifying question because Mr. Bazzi had mentioned that he had removed the EMC portion, and I think we all understand what he meant by that, but something that I learned in--ahead of the last time this was on the agenda when we didn't actually hear it, was that the prices are actually considered EMC--electronic message centers themselves, so, I just wanted to be clear, and I guess this was supposed to be a question so, Mr. Hershey, I'll ask you if I'm correct in my understanding that this does qualify as an EMC and therefore, typically, we don't allow to have both the EMC and exceed the square foot--area--square footage?

Hershey: We don’t exceed the two combined? Is that what you’re saying?

Turbiak: Well, so, this is--clearly, this exceeds the square footage and just for that alone, it--it would need to come before the Board, right?

Hershey: Right.

Turbiak: So, that’s starting simple. But typically, we don’t allow an EMC--you know--I think the EMC has to be like less than 50 or 25 percent of the total area of the sign, I think. But also--you know--the overall sign with the EMC cannot exceed the square footage. It’s just like an additional limitation or hurdle--you know--that this variance is requesting. So, I guess, to cut more simply, is--is a gas station sign like this, with electronic numbers considered an EMC?

Hershey: I honestly do not know.

Turbiak: Okay.

Bazzi: Could I--could I elaborate a little bit if you don’t mind?

Turbiak: Yeah, please.

Bazzi: So--so, we refer to those as LED numbers. Okay. There’s no motion. EMC--I know what you’re referring to as far as the scrolling messages and the video and all that, so, yeah, I mean, we refer to them as LED. Sign companies refer to them as LED numbers, but obviously the Board has that discretion.

Fisher: Mr. Chair.

Coppola: Mr. Fisher.

Fisher: Just so we’re clear, we regard those numbers as electronic message center, so--and that’s why the--this case is written up as it is. You’re not supposed to have electronic message center on a non-conforming sign, so.

Coppola: Or a non-conforming sign with electric message.

Fisher: Yeah.

Coppola: It requires an additional variance. If he was conforming, he could have conforming electric--electronic messaging, right?

Fisher: Right. Really what they--he’s asking to have the sign equivalent and we didn’t really write it as--or Randy didn’t write it as two variances. I guess, figuring if you’re gonna give him the area, you’re per force, gonna give him the--

Coppola: Not necessarily. Alright, thank you for the clarification. I appreciate that Mr. Fisher. Other questions?

Testa: Mr. Chair.

Coppola: Mr. Testa.

Testa: Question for the petitioner, so, thank you for the copy of the latest design, as it was stated, we still have E-85 in the electronic copy, but on the paper copy you gave us, it has V-Power listed twice. The one is the logo that says Shell V-Power in red--

Bazzi: Yes.

Testa: --a box. And then the actual cost of V-Power fuel.

Bazzi: Yes.

Testa: Do you need--why do you need both V-Powers?

Bazzi: Well, Shell requires to have so much advertising space, right, so V-Power is a Shell brand. In regards to the E-85, we didn't officially make the decision whether we're gonna put E-85 or not. So, I don't wanna come back to the Board and say, we're gonna go with E-85 or not go with E-85. So, if we decide to go with E-85, that V-Power would be gone and it'd just be--it will say E-85 instead.

Testa: You would drop the red--

Bazzi: No, the number. I'm sorry. On the price sign itself?

Testa: Yes.

Bazzi: Yeah, so if we were gonna go with the E-85 product, we would drop the V-Power language and just put E-85.

Testa: What would you need the other Shell V-Power for?

Bazzi: Because Shell requires to have so much dedicated space for their advertisement.

Testa: Yup.

Bazzi: So, V-Shell Power is just--that's basically what they want. I tried to persuade them otherwise, because really if they--if that was eliminated, they would want their pectin--the Shell logo to be bigger, so then it wouldn't really--I guess, it wouldn't really look on the sign right because they would have to stretch it down from the bottom.

Testa: Yeah, I guess I'm looking at an alternative to get you down underneath the--the need for a variance.

Bazzi: I--I--we're requesting twelve--I think twelve square feet in the variance I believe--the 40 square feet is the--is the ordinance. I think an "L" shaped sign probably would not be appealing just from my perspective.

Testa: Yeah, where I was gonna go next is do you need the Kroger logo?

Bazzi: Yes, I do. They--they require that. They require that in regards to--again, if I take out the Kroger logo, they would want the Shell pectin to be bigger. And we want our customers to know that we--you know--Kroger cards are accepted at Shell stations.

Testa: Okay. I understand the Shell requirements and thank you for explaining that, plus the state requirements, I guess, does Shell understand that if you don't get this approved, you're not--you don't have a sign?

Bazzi: Yeah, I believe they understand that. I am--I am a small person fighting a giant.

Testa: Understood. So, if you were not successful tonight, what would be your next course of action?

Bazzi: Well, let me show you what they originally proposed, and we told them no way this is gonna fly with--with the city, and if I may approach.

Testa: Sure.

Bazzi: So, originally, they wanted pectin to be five by five, okay, and basically the sign will be twelve feet in height total and basically the bottom numbers would be at the base of the--of the--

Coppola: Thanks.

Bazzi: --of the--of the sign and it really wouldn't be visible. They wanna dominate the sign, so we--we were going back and forth and trying to come up with compromise and really what I proposed today--or what we proposed in our package, was the mutual understand.

Testa: Yeah, thank you for that. I guess on a day with heavy snow, you're not gonna see that bottom--

Bazzi: No. Not at all.

Testa: Yeah, I guess my point if we--if you're not successful, Shell's gonna have to come back with something different and I--or you're gonna have no sign.

Bazzi: They'll probably come back with something different, and I think what they would come back with probably won't hinder their portion of the--of the sign. It would probably hinder our portion as far as the advertisement of our prices and the products that we're offering, and I think that would put me at a competitive disadvantage.

Testa: Thank you.

Bazzi: You're welcome.

Coppola: Other questions?

Turbiak: Mr. Chair.

Coppola: Mr. Turbiak.

Turbiak: So, just to clarify going back to the brick topic, is there gonna be any of the pole exposed between the brick and the base of the sign in the proposal?

Bazzi: No. No. It shows--the pole would be enclosed in the brick.

Turbiak: Okay, okay. Because what I heard earlier was six and a half and four and a half which is eleven so, there's like one foot left, so--

Bazzi: Yeah.

Turbiak: So, you'd make it go straight up (inaudible) five and a half feet from the ground?

Bazzi: Yeah, exactly. To meet the twelve-foot total height.

Turbiak: Another follow up question. Seems that there's plenty of Shell stations in Livonia that meet our ordinance and meet the Shell and compete, so why can't you also do that?

Bazzi: So, those Shell stations have probably been there prior to us starting our construction and I wanna use the word, maybe Shell was a little bit laxed, maybe during that time. Today, in regards to our situation, their requirements are very--it's a tough process to go through and basically, again, I go back and I say this is the best that we could come up with and trying to maintain and trying to--and if we went back and said you know what, we can only have 40 square feet, again, it would effect our--our price sign on--on the right and really not put us at a competitive advantage.

Turbiak: Okay. How large are the numbers of your nearest competitor on their sign?

Bazzi: Twelve inches. Actually, the--the station across the street, which is in a different city--

Turbiak: Right.

Bazzi: --their numbers are actually sixteen inches. The Exxon Mobil, which is again, in another city, they're--they're sixteen inches. We drove around the city of Livonia, we've seen anywhere from twelve inches, I think there was one that might have had eight inches numbers, but their--their logo was much bigger. And then we've also seen some additions to some signs that really, we're not here to discuss that probably were not approved by the city, but again, we're trying to do everything in front of you because we want to be a good neighbor.

Turbiak: Okay. Have you considered charging the same price for cash and credit?

Bazzi: That's a very good question. So, ideally, we wanna charge the same price for cash and credit, but competition dictates what cash and credit is sometimes. But, well noted.

Turbiak: Well, no I understand. I understand that there's a premium for the credit and--

Bazzi: Yes.

Turbiak: --I have seen other stations in Livonia that maintain the same price for both and it's basically a redundant price and you could save room that way. Just--as you said, noted. So, that's all I have at this time, Mr. Chair. Thank you.

Bazzi: Thank you,

Coppola: Thank you. Anything else?

Testa: Quick follow up to--

Coppola: Yes, Mr. Testa.

Testa: --Mr. Turbiak's question. Are you by law required to show both--

Bazzi: Yes.

Testa: --cash and credit?

Bazzi: Yeah, if you're gonna have cash or credit pricing, you're required by law to display both.

Testa: Okay. So, if we--if we only granted you a sign that we could just put credit on it, you would not be able to change your price for cash because you wouldn't be able to advertise it.

Bazzi: No. I--I--if I were to have a different price for cash, then I'd be violating state law.

Testa: Sure, right. Thank you.

Coppola: Any other questions? Alright, seeing none, if you could have a seat for a moment. Is there anybody in the audience that would like to speak for or against this project. Step forward. Name and address, please.

Cwieck: Charles Cwieck. 19137 Rensellor. So, in the past we've been here each time to listen and the main factor that we thought that we did not want was the message board that went this way. We thought it was a safety issue as well as, how can I put it, not aesthetic or maybe too flamboyant. So, I met with Mr. Bazzi just before the meeting today and he gave me a copy of the same paper that you have and to me, I--it's a 100 percent improvement from what we were looking at. I think it's neat. I think it's--you know--just conforming with all the other--most of the other signs in Livonia. It's a better-looking sign than the stations in--across the street in Redford. So, right then and there, competit--competition, being with the brick and everything, will help ya. There is a station at Seven Mile and Middlebelt. It's a Shell and I believe it's got the same sign as this. It's similar--very similar. It may be smaller, but I think it has the same information on this and like I said in the past, it's very neat as well. My question though is how much diesel are you thinking about selling because--

Coppola: Sir, you can't--you can't have conversations between--

Cwieck: Sorry. I'm concerned with the--who's gonna be purchasing diesel. Are we gonna have large trucks coming in and out of the station?

Coppola: Okay. He can respond when he gets an opportunity to--

Cwieck: Okay.

Coppola: --to make a final statement. So, you're concerned that--that the diesel he's selling is gonna be to like semis and--and stuff (inaudible) not for your regular vehicle, diesel truck, small pickup--you know--pickup trucks and car--vehicles--cars.

Cwieck: Not too many cars are diesel--as many as before but yeah, I mean, my concern is that the type of vehicles that are gonna be coming in there for--for diesel.

Coppola: Okay.

Cwieck: Now, you said that you may be able to--or he may be able to charge the same price for cash or credit. There are some stations that have the same price, but when you go to use a debit card, it's not the same as cash. So, in other words, a debit card comes right out of your account, but they don't--you don't get the discount if you pay by debit card. It's the same price as a credit card. So, that's one of the questions. And then the final question would be could we get this same price--2.34?

Coppola: (Inaudible)

Fisher: That was a really good day when--

Cwieck: And that's all I have thank you.

Coppola: Alright, anybody else? Do we have any correspondence?

Klisz: We have one letter. It was from the last meeting which wasn't held and it was received after the meeting, but I will read it anyhow. It was a letter of objection, Susan Brandon, (Letter read.)

Coppola: What was the address, I'm sorry.

Klisz: I'm sorry. 19151 Inkster Road. Susan Brandon.

Coppola: Okay, thank you. Mr. Bazzi, anything in closing, and if you could address those two questions.

Bazzi: Absolutely. So, no semi-trucks will probably even fit in our gas station, it would probably knock over the canopy, so, this is really just designed for local pickup trucks, anybody that might have a diesel engine, not designed for--for semi--and the pump is really not designed to have a semi-truck come in and try to buy 300 gallons, they'd be there probably for two days trying to fill up 300 gallons, so, yeah, so that's not--that's not feasible.

Coppola: Okay. And there was--

Bazzi: In regards to debit, we--cash--debit is same price as cash at all our store, so, if you have a debit card, you'll be paying the cash price. I think I addressed the--I believe the questions that--

Coppola: Those were the two questions you had. Anything else you'd like to state in closing?

Bazzi: One other point, so the sign will not be facing any homes. They'll be facing basically the intersection. One side will be facing probably the--the station across the street at Redford and the other side will be facing the 7-11. So, they'll be no direct facing with any homes I believe--you know--I don't think there's any--any homes on the corner, but, the house to the North of us, it wouldn't be facing them.

Coppola: Okay.

Baringhaus: Mr. Chairman, can I just ask one or two questions?

Coppola: Yes, Vice Chair.

Baringhaus: Okay, thank you. What are your hours of operation again?

Bazzi: That--that hasn't been determined yet, but I think at this time we would probably not open 24 hours with the labor shortages that we're experiencing throughout our stores, but I cannot say for certainty that we will not open 24 hours.

Baringhaus: And then with the sign itself, will that be illuminated 24 hours, or will there be a shut off on it?

Bazzi: So, it'll have a photo sensor on it, so, when it gets dark it'll automatically turn on and when the sun comes off, it'll be off.

Baringhaus: Okay. Thank you very much.

Bazzi: You're welcome.

Coppola: But if you're not operating 24 hours, I assume you'll--the sign will go off?

Bazzi: Yeah, so probably from--you know--I mean, in the wintertime maybe 8:00 till 11:00 that sign will be on, after that, it'll be off.

Coppola: Okay. Alright, thank you.

Bazzi: You're welcome.

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

Boloven: Thank you. I--I appreciate you listening to the Board's comments from last meeting. I mean, we were--at the last one, you were over on height nine feet, you came down to the twelve feet. You were at 33 feet over on size, you're down to 14 square feet. I like the sign. You hear from the neighbor's support, especially neighbors that are directly close. So, based on everything I heard, I'd be in support of the variance.

Bazzi: Thank you.

Boloven: Thank you.

Coppola: Alright, thank you. Mr. Turbiak.

Turbiak: Thank you, Mr. Chair. So, I do appreciate the investment in the community. The building looks--looks really great. I was not in support of the sign last time, and unfortunately, I'm not gonna be able to support this proposal either. The--there are no gas stations in Livonia that have, let's say, an approved variance. I looked this up when we originally had the case before us with the previous design and there are a few gas stations on the West side of Inkster that compete with gas stations on the East side that are in another city that have different--you know--ordinances and obviously they're able to--to operate and I just don't see the hardship and I think this would be setting a precedent.

There's a lot of gas stations and a lot of gas stations would wanna get bigger numbers. I don't think the numbers need to be bigger. Personally, I think that they can be seen and if you have a gas station that you're going to, you're probably gonna go in there and pay what it is knowing that it's a few cents difference across the street at the best. So, I cannot be in support of this.

Bazzi: Thank you.

Coppola: Alright, Vice Chair Baringhaus.

Baringhaus: I like the revised design quite a bit. I think it's a nice improvement over the other design. I understand as a franchisee, you're kind of limited of what you can and cannot do with that sign. I like the fact that you're trying to stay within the spirit of--I think--the signs of surrounding gas station in the Livonia community whereas they are more monument based--brick based with the signage on top of it. I think the layout is very readable and based on that, I'll support the variance and I'll also state that I won't make it a condition that you sell gas at 2.30--$2.34 a gallon.

Bazzi: Thank you.

Coppola: Secretary Klisz.

Klisz: I'm gonna be in support. I appreciate the petitioner is sort of working with us and working with Shell and he's in the middle, but as Mr. Boloven stated, he listened to what we had to say, and a lot of the bigger variances came down including the height. I like the brick. I like the--the concept of the sign. I think it is--is consistent with what's in the area and based on that, I'll be in support.

Bazzi: Thank you.

Coppola: Alright, thank you. Mr. Testa.

Testa: Yes, thank you. I can be in support of this. Or I will be in support of this. So, first, petitioner, thank you for coming back with a modification based on our comments and working with your neighbors. I do understand that you're kind of stuck in the middle with Shell and the requirements from the state. I appreciate your positive demeanor throughout this whole process. I wasn't in favor last time, but because of the modifications and the removal of the EMC, I can support this.

Bazzi: Thank you.

Coppola: Thank you. Mr. Morgan.

Morgan: Yes, I am going to support this. I did go by there, daytime and night time. It's a pretty well-lit area, and I don't believe that the LEDs are gonna cause a problem in this case or I should say the lighting is going to cause a problem in this case. Plus, it's going to beautify the area. I think it's a--it'll be a good addition and welcome in that neighborhood and I support.

Bazzi: Thank you.

Coppola: Alright, thank you. A little torn on giving the extra square footage again, a majority of the--those that aren't grandfathered--there's a number of gas stations that are grandfathered that have signs probably as large or larger than this one. Always concerned on setting--setting precedents and having a whole slew of these show up and having a difficulty turning them down when you provided it. I think--you know--the alternative to potentially--you know--rejecting this is, we could end up with a sign that conforms that may not be as attracted and there's--and we have no input into it and we have an opportunity here to make an input. Case in point, I mean, he could conform on size and put the--put the sign on a pole and then we get to look at a sign on a pole for the next 20 years, where the petitioner's offering to make it look like a monument sign. Make it look nice and the tradeoff is he gets a little bit of a bigger sign, so, I can--I can support this based on--on--you know--some of the conditions like, again, what he's presented does not show the brick, so we'll have to have that as a condition, be very explicit as to the brick and how it gets added and that it be placed obviously where it's show on the site plan. So, I can--I can live with it. I'm gonna be a little concerned that we'll see more of these signs coming up and we'll just have to be very cognitive of how we manage those to make sure that--that if we are gonna give an excess that we--we--we minimize the impact by--by making sure that we have lots of positive input into--into designs. So, I'll go ahead and open up the floor for a motion.

Upon Motion by: Baringhaus Supported by: Testa

RESOLVED: APPEAL CASE NO. 2021-05-23 (Rescheduled from September 14, 2021): An appeal has been made to the Zoning Board of Appeals by HF18, LLC, 25896 Timber Trail, Dearborn Heights, MI 48127, seeking to erect a ground sign with electronic pricing and message center resulting in excess sign area. Electronic message centers are not allowed on nonconforming ground signs.

Ground Sign Area:

Allowed:	40.0 sq. feet
Proposed:	54.4 sq. feet
Excess:	14.4 sq. feet

The property is located on the north side of Seven Mile (27430), between Inkster and Rensellor, Lot. No. 004-01-0530-000, C-2 Zoning District. Rejected by the Inspection Department under Livonia Vision 21 Ordinance, Section 6.26(13)A, "Gasoline Service Station; Signs," and Section 11.10(2)E, "Sign Illumination; Standards," **be granted for the following reasons and findings of fact**:

1. The uniqueness requirement is met due to the location of the sign next to competitive gas station signage.

2. Denial of the variance would have severe consequences for the petitioner due to reduced competitiveness in the local market.

3. The variance is fair in light of its effect on neighboring properties and is in the spirit of the zoning ordinance because of the sign's resemblance to a monument sign and general neighbor support.

4. The granting of this variance will not adversely affect the purpose or objective of the Master Plan because this property is classified as "Corridor Commercial" under the Master Plan and the proposed variance is not inconsistent with that classification.

FURTHER, the variance be granted with the following conditions:

1. That the brick base described be built as communicated so it encloses the pole and includes a limestone cap.
2. That the monument sign be in the place presented on the site plan.
3. That the permit be pulled within six months.

Coppola: Discussion?

Fisher: Do you wanna just go ahead and say that the brick base will enclose the pole just so we--

Baringhaus: That's fine.

Fisher: --that's the term they use.

Baringhaus: That's good. Thank you.

Coppola: And I thought that you stated there was going to be a limestone cap, so we would want that limestone cap.

Baringhaus: Okay, I'll add limestone cap, thank you.

ROLL* CALL *VOTE:

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

Klisz: Passes 6-1

Coppola: Okay, so your petition has passed--

Bazzi: Thank you.

Coppola: --with the following conditions: that you enclose the pole with a brick structure and limestone cap as--as you mentioned in your presentation, that you build it as designed and--and placed on the site plan, and that you will have six months to pull your permit,

Bazzi: Thank you. Thank you, Board.

APPEAL CASE NO. 2021-10-42: An appeal has been made to the Zoning Board of Appeals by Community Choice Credit Union, 15420 Farmington, Livonia, MI 48154, seeking to erect a ground and wall signs resulting in excess number of wall signs and excess ground sign height.

Number of Wall Signs:		**Ground Sign Height**:	
Allowed:	One	Allowed:	6.0 feet
Proposed:	Three	Proposed:	7.3 feet
Excess:	Two	Excess:	1.3 feet

The property is located on the east side of Farmington (15420), between Roycroft and Five Mile, Lot. No. 059-01-0008-001, C-1 Zoning District. Rejected by the Inspection Department under Livonia Vision 21 Ordinance, Section 11.08(2), “Sign Regulations for C-1 Districts.”

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

Hershey: No, sir. Not at this time.

Coppola: Any questions for the inspection department? Alright, seeing none, if the petitioner could step forward, name and address for all those that plan to speak.

Godin: My name is Rebeca Godin, and my work address is 40920 Executive Drive.

Ludwigsen: Jenny Ludwigsen, Community Choice Credit Union. Our location here in Livonia is a 15420 Farmington Road.

Coppola: Okay. Thank you very much. If you could tell us a little bit about your petition, the variances you’re requesting, and the hardships or practical difficulties you have that would suggest the Board should approve those variances.

Godin: Right, so we’re seeking we're asking for this variance to bring awareness to the building for our members. We are often--that they miss the building and that they have to turn around because of this. Our hardship is the building size in the building signage being zoned in Office, the building is very large and they need to have clear signage for their members so that they can safely enter the bank without having to turn around in other locations. We feel the signage is necessary. They have over 50 to 300 members that visit there on a daily basis depending on the day and we just feel that it's necessary to be able to mark not only the building but also the side road which is that R--Roycroft for where the ATM and the drive up ATM is.

Coppola: Okay. Anything you’d like to add?

Ludwigsen: Our existing sign is very low to the ground and hard to see both during the day in specifically at night and because--I don't know what the proper term is--the boulevard--the division there are at Farmington Road. In traveling, correct me if I'm wrong on my directions--

Godin: Here--I have it here, so. This is the monument sign, so traveling North or--North or South.

Ludwigsen: Traveling South on Farmington Road it's difficult to see that because you're looking at the other side of the road across with two or four lanes of traffic there through the barrier. and we recognize that it's just a funky layout. The building actually faces-the entrance is on Roycroft, but the side of the building faces Farmington Road and we feel like we just need better markings in both directions so the building is more visible and we've been there a long time, we recognize--you know--we've got existing signage today we just want to bump it up and make it more visible both during the day and in the evening.

Coppola: Okay. Thank you. So, is any of this driven by--is there a changing branding or is it just you wanna refresh the signs?

Ludwigsen: Well, we have a new logo and really working to kind of make that large "C" identifiable. Community Choice Credit Union is a long name and when you've got a long name--

Godin: Takes up a lot of square footage.

Ludwigsen: --it takes up a lot of square footage. Exactly. So, we really want to become identifiable by that "C" as just a stand alone icon and we have proposed putting that on one side of the building, the name on the other and then re-formatting the actual monuments sign so that "C" really stands out.

Godin: They also have that same vertical layout over in Redford and so we're trying to get the branding of all the different locations cohesive and consistent throughout. So, that's a lot of it also.

Coppola: How many locations are there--branches?

Ludwigsen: There are currently--today there are 23.

Coppola: 23. And how long have you been in this--how long have you had this location?

Godin: I believe it was back in 1994 when they had been first--there's been a couple different requests for variances and I know that the first one might have gone back to 1994, but I could be off a little bit on that.

Ludwigsen: The Community Choice name actually did a merger with the Livonia Credit Union and that became the Community Choice Credit Union, so I can't say for sure exactly when that original signage was installed.

Coppola: Okay. So, probably for your customers, finding the location is not at--not truly an issue since you've been there a long time, your customers have been there a long time. It's the new branding and I get that. That makes sense. So, the monument sign is change--changing significantly and actually I think it's--it's modernizing it quite a bit. What--there's landscaping around the existing sign, what are you planning to do for the landscaping around the new sign?

Ludwigsen: We would have a similar--similar landscaping. I think one of the challenges we have today--and this is something that we have and we talk about in an on-going way at the credit union is just--really maintaining the landscaping around the bottom. Mulching it. Not necessarily putting in plants at the footer, but perhaps on the sides. One of the challenges that we have of course is as the--the landscaping grows it continues to grow up not just out and we really wanna keep it highly visible that there's an address down there below.

Coppola: Okay. That--that makes sense. Especially in the wintertime. When I look at the three signs on the building that you want, I get what you number--that you have as number one and two. So, one faces kind of out onto Farmington, one faces South for the Northbound--the Northbound traffic. I'm not sure I get the little logo on three that just basically faces the parking lot. At that point in time, customers have probably parked so they probably know where they're at and so why would you need a sign for--

Ludwigsen: Yeah.

Coppola: --recognition there?

Ludwigsen: So, it's really unusual but we have this bank of ATMs that sit way off to the side of the building.

Coppola: Mmhmm.

Ludwigsen: It's nice. We have a lot of members--not members. We have a lot of debit card users and ATM users who--

Coppola: Mmhmm.

Ludwigsen: --are not Community Choice members. And because of coming in from the side and turning, it's nice at night particularly to be able to see that you're coming into Community Choice and you're gonna come through this long drive to go into the ATMs.

Coppola: Okay. Alright, thank you.

Baringhaus: Mr. Chairman.

Coppola: Vice Chair Baringhaus.

Baringhaus: Yeah, are--are some of these logos in place currently on the building?

Godin: Not the “C” logo itself but there is a full Community Choice Credit Union that is on the South side of the building that’s currently non-lit.

Baringhaus: You brought up a point about the landscaping earlier, can you describe the number of trees on the property?

Ludwigsen: Yeah. There are ten--ten trees.

Baringhaus: Ten.

Godin: Ten to twelve.

Baringhaus: Okay.

Godin: Yeah, I guess I don’t know what this is.

Ludwigsen: Yeah, I think those are tree over there too, but they do block a little bit of the view, so that’s--you know--that’s kind of the help of the sign that goes on the South side. We’re presenting that that will be illuminated now, and it ends up being a little bit smaller than what’s existing.

Baringhaus: You don’t have any plans for directional signage to like the ATM locations off Farmington or off Five Mile?

Godin: Right. Those are currently there. We’re swapping those out size for size. They’re--we’re just freshening them up because a couple of them have been like hit or scratched but we’re not changing the size of them. We know that they can’t have the logo on them.

Baringhaus: Just (inaudible)

Godin: Yup.

Baringhaus: Okay. Okay, great. Thank you.

Godin: Mmhmm.

Boloven: Mr. Chair.

Coppola: Mr. Boloven.

Boloven: You stated that your company's trying to brand this "C" logo, yet in picture number one it looks like the current South elevation has the "C" logo and you're removing that. Why is that?

Ludwigsen: So, with the new logo, the "C" is actually separate from the word Community and again, back to the square footage, moving the "C" to the side of the building gives us signage on two sides, and allows us to have a larger Community Choice Credit Union name on the back of that building facing South.

Boloven: Thank you, Mr. Chair.

Coppola: Other questions?

Turbiak: Mr. Chair.

Coppola: Mr. Turbiak then I'll get you next Mr. Morgan.

Turbiak: Thank you. Through the Chair to the petitioners, you mentioned a moment ago that there's some directional signs that you're gonna be replacing but keeping the same size. Are you changing what's on the signs?

Godin: No, they're just--when they were places previously there's a teal stripe--they're two-color paint jobs and it just doesn't look good. There's scratching on them, fading, so we're just replacing them to freshen them up along with the others.

Turbiak: How many signs fit that description? The swapping of the same size.

Godin: It might take me a second to find. There are six.

Turbiak: Six. Okay, thanks. And then, you mentioned that you have the big bank of ATMs and I drove by there today and I noticed that they have the new big "C"s on that. Is that correct?

Ludwigsen: Yes. So, the ATM machines have a vinyl wrap on them.

Turbiak: Okay. How long--

Ludwigsen: That is correct.

Turbiak: --how long have those been with the big "C" like that?

Ludwigsen: Those machines were installed in 2020.

Turbiak: Okay. But how long has the wrap with the “C” been there?

Ludwigsen: How long? Since they were installed.

Turbiak: Oh, okay. So, since 2020. Okay. Thanks. So, you didn’t have ATMs, or you had a different style ATMs?

Ludwigsen: We had ATMs. We were using Diebold who provides ATMs in the banking industry and we--we changed vendors and we now have these Hyosungs is the brand name on the machine--

Turbiak: Okay.

Ludwigsen: --which required a different unit to house the Hyosung ATM.

Turbiak: Okay. Question to inspection or--or law--whoever wants to jump in. Are--is the logo on those ATMs considered signage?

Fisher: Well, I don’t--I’ve not been to the site. Generally speaking, you have to be oriented to and visible from the street in order to be--to count as signage.

Turbiak: I could see it from Roycroft.

Fisher: Oh, well, I don’t--I don’t know how that call was made.

Turbiak: Okay, set that one aside for a second. In your petition, it mentions--you know--customers turning around, getting lost, missing the sign, but the--I heard the Chairman point out a minute ago that it seems to be more about the branding change and not so much about people having difficulties finding it. Can you comment on that?

Ludwigsen: Sure.

Turbiak: Is it more one or the other? Or is it both? What is your--

Ludwigsen: Sure. So, branding certainly was one of the strongest impetuses of us changing and making the investment which is about 40,000 into signage. That said, our Livonia location continues to grow month over month, year over year in general membership, so while we have a large base of members who have been with us for a long time, we also continue to acquire brand new members and people coming to the area and we certainly, because of the bank of ATMs, we have people who are non-members who use those machines on a regular basis--

Turbiak: Mmhmm.

Ludwigsen: --and find us through an ATM locator because we are part of the co-op network that does have over 30,000 surcharge free ATMs across the county.

Turbiak: Okay. Could you--so, understanding that--I understand that you have new customers continually added, can you help me understand a scenario where a new customer coming from a certain direction--you know--there's a lot of ways, from what I noticed to get onto your site--you know--how--how--where would a customer be coming from where they might have difficulty where this new sign package is gonna help them?

Ludwigsen: Sure. So, one of our largest ways that we grow at Community Choice is through our indirect loans, so, you go to a car dealership, they run financing for you, and they say, gosh--you know--Community Choice looks like the best option for you.

Turbiak: I think I poorly worded my question. I meant like physically driving.

Ludwigsen: Yes. Yes.

Turbiak: From which direction?

Ludwigsen: So, I'm getting there I'm sorry.

Turbiak: Okay, I'm sorry.

Ludwigsen: So, as--so as someone who has an indirect loan, you might be looking for the closest location to make your loan payment.

Turbiak: Mmhmm.

Ludwigsen: Right? And you use the--your--your app or your Waze, whatever, and you come to the credit union, so someone who might not be familiar with Livonia would be someone who was trying to make a loan payment, may not be a long-term member with us and looking for--for a credit union. I can't give you a specific. I don't have a member testimonial where someone had said like, gosh, I had a really hard time finding your location on Farmington Road.

Turbiak: Yeah, no, I still think I poorly worded the question. I mean, you could come from the North, from the South, from Roycroft, from Five Mile. There's a lot of different ways that you could be coming from, and I ran the--you know--the different options--you know--through my head, and I couldn't find one where--you know--where the sign package helped me find it. I mean, I--I have to say that obviously the ground sign will help--you know--because the current one's low and kind of covered by the bushes and dim and things like that, so, but I--I just--it was mentioned like turn around in driveways right, so I thought that there was some--you know--reoccurring scenario that was happening where maybe you can gotten some customer feedback. Okay.

Ludwigsen: And the monument sign truly I think is--is our largest hurdle. It was a poorly designed sign from the get-go.

Turbiak: Mmhmm.

Godin: Not by us.

Ludwigsen: And the lightening for that sign is not internal to the actual unit. It sits on the ground and points up at it. So, as the landscaping's grow and snow sits on those lights, it's just--it's just poorly visible.

Turbiak: Okay.

Godin: Well, and--and the fact that the building is so big, I know I'm not familiar with Livonia and like the first time that I went by, I missed that first South sign and then I was looking, and that lawn sign I couldn't see it. Obviously, it's a huge building, so if you pass one--you know--the Southbound sign, then--you know--it just helps with the visibility. And it's not like they're gleaming white either. They're kind of subdued with the color so it's not like when they're lit at night, they're not gonna be like annoying anybody or anything either, so.

Turbiak: Mmhmm. So, I think you're describing coming Northbound. You said you missed the first South sign?

Godin: Yeah.

Turbiak: Like on the South side of the building there?

Godin: Yeah. That's what I did.

Turbiak: Right. So, if you--your proposed package has one of the West side of the building, right, but because the building's so close to the road, it's--I don't know, not quite a zero setback but--you know--very close to the sidewalk, it's difficult to see that from a distance, right, so you're gonna see the one on the South, so if you miss that one, again, you kind of missed it until you get to the ground sign. And I think your proposed ground sign is gonna resolve what happened to you in the past. I don't wanna get too much off track here. It also mentioned in the petition about going 45 miles an hour and it's difficult to slow down and you wanna avoid people slamming on their breaks--you know--that kind of thing. So, I--

Godin: Just like safety issues, yeah.

Turbiak: Yeah, sorry, I'm stumbling here. What I noticed is that it's unique there because at least the Southern most driveway is at the location where there's three lanes on Farmington Road, right.

Godin: Oh, okay. One, two, three, okay.

Turbiak: There's a lane reduction there from--you know--when you're crossing Five Mile there's three lanes Northbound and then shortly--well, adjacent to your building if I'm not mistaken, it reduced down to two. So, you can--not a lot of traffic is in that third lane except for people probably going to the site--your site, the site to the South of you, or forgot because they're not familiar with Livonia, and are gonna merge over anyways--you know--so, I don't--I didn't see that that was really a concern. I mean, in fact, I think the uniqueness of the property helps that situation because you have that lane that's hardly used in that area--you know--I think most Livonians that are familiar with it--people that travel through Livonia are familiar with that are gonna stay out of that lane--you know--so, I think that's all I have at this time. Thank you, Mr. Chair.

Coppola: Alright, thank you.

Testa: Mr. Chair.

Coppola: I think Mr. Morgan was next and I'll get you--

Morgan: On the sign that you're putting right on Farmington Road, the ground sign, are you gonna have any illumination on that? Any lights or anything?

Godin: Yes. It is internally illuminated. It's an aluminum face and the logo and the letters light up, so those are push through letters. The plastic pushes through about three quarters of an inch and then the side illuminates.

Morgan: What about on the building, the "C" that you're putting--or that you're proposing to put on the building. Are any other those gonna be illuminated whatsoever?

Godin: Yes.

Morgan: I mean, I'm looking at a photo here where we have--

Godin: There should be--

Morgan: --sign one, two, three, and on the building. Are those going to be illuminated too? Is that what your plan is?

Godin: Yes. They will be.

Morgan: And with--are you looking at--it's one of the site plans that you have for (inaudible) the number two sign, do you--I mean, as people are coming North on Farmington Road, you don't think that sign number one would be able to cover that enough instead of adding one right around the corner that's not really visible.

Ludwigsen: I--I'm not sure if the--yeah, I'm not sure if the tree is--if you're traveling North, obstruct the view of the monument sign.

Morgan: Okay. So, there's a good possibility, I mean, anyone who knows that that's there--I mean, I've been around here for quite some time, and as I'm going North, if I'm going to turn in there I would be slowing down and I would see that, but the two signs are right--pretty close to each other, and you think that's necessary to have that?

Ludwigsen: One and two?

Morgan: Yes.

Godin: Well, for the other--the Southbound traffic that helps also if they--if they miss the lawn sign.

Morgan: Okay. But there would--there's a tree there from my view that would be blocking that until almost they pass it if they were going Southbound.

(Inaudible talking)

Ludwigsen: Oh, I see. Yes.

Morgan: Yeah, so, what I'm getting at I guess would be that, I mean, sign two, there's--there's a little bit of an overkill there with two and I'm just gonna number them because you did, or whoever put this together did--

(Background talking inaudible)

Morgan: --with two and three. So, that's all I have to say right now. So, we can move forward.

Unknown: Okay.

Coppola: Mr. Testa.

Testa: Thank you, Mr. Chair. So, currently today--

(Background talking inaudible)

Testa: --as it stands on your building, you have existing a North sign and a South sign, correct?

Ludwigsen: Yes, that's correct.

Testa: You have two signs. Do you have a variance for both--to have two today?

Godin: There was. I had called at one point, and they said that there was a variance but once you remove them, that we had to go for another one, I think. I might be thinking of another city.

Testa: Maybe question to Inspection. Do their current signs have a variance to have two wall signs today?

Hershey: I'm sorry. Could you repeat that?

Testa: Currently, they have two signs--

Hershey: Okay.

Testa: --wall signs. Do they have a variance for that?

Hershey: Let's see here. 2007 it shows one wall sign and one ground sign.

Ludwigsen: That would be it. That's what's there today. There's a ground sign and the wall sign that faces South.

Coppola: Yeah, I don't think there's two wall signs. Wht--where's the second wall sign?

Godin: There's not a second wall sign.

Testa: Yeah, sorry, I thought I asked if you had one on the North and South.

Ludwigsen: Oh, I'm sorry. No. There's the monument sign out front and there's a sign on the South of the building.

Testa: Okay.

Godin: But that's not (inaudible) right now.

Testa: So, your two additional signs is your North sign and your mon--your West sign?

Godin: Yes. Yeah, on the site plan indicated as two and three.

Testa: Got it.

Godin: Those are the two additional wall signs that we're requesting. One is fourteen square foot, and one is nineteen square foot.

Testa: Understood. And along the same lines as some of the other questioning of your West sign, which sorry, I'll use numbers, it's what--

Godin: Two.

Testa: Two. Yep. I guess I'm also not understanding why that one's necessary with the--if we have a sign on the North and South side and your monument sign.

Godin: It's kind of a branding too because they always have like any site that we've done so far, it's always the Community Choice by itself and the little "C" logo somewhere else on the building, and so we were trying to do that on the corner so that we could keep with their branding and help identify two sides of the building.

Testa: Okay. Could you live without having that West sign?

Ludwigsen: We could move the "C" to the South side. I don't know how that changes the square footage of the sign or that layout. We would have to--have to go back and take a look at that. So, there.

Godin: Yeah.

Ludwigsen: It's--the windows are--you know--it's--it's an interesting set up. Moving the sign down to that bottom portion of the building below the windows--you know--it seems odd and unusual. If we put the "C" at the top, we would have a small "C" Community Choice. Just again, back to the brand.

Testa: Okay, and then maybe on the monument sign, you're asking for a variance there. Is there anyway to reduce that height so you don't have to ask for a variance or make it smaller?

Godin: It's--within the branding guidelines they require so much clear space around it and some of those parts gets so small when we make it smaller that we can't--like the word that reads credit union for instance, that ends up being so small that I can't do that as push through anymore and it changes--it doesn't match the other signs that we've done for them elsewhere, so that's why we decided to keep it the same size as what we--what we had and--

Ludwigsen: What size are those letters today?

Godin: Yeah, they're an inch and three quarters.

Testa: Okay. You couldn't go wider with the sign to make it shorter?

Godin: That doesn't--that doesn't keep with the clear space around the logo.

Testa: Okay.

Godin: Like we only have a couple layouts that are--that we're using at the different brand--different locations around to be consistent with their logo.

Testa: Okay. Thank you.

Boloven: Mr. Chair.

Coppola: Mr. Boloven.

Boloven: Question for inspection. The proposed right now is the three signs, with this write up, is there consideration given to the area that's gonna be overage based on those signs as well? Because I don't see that as part of it in there, it's just straight number of wall signs?

Hershey: And your concern is square footage?

Boloven: Correct.

Hershey: So, well--

Fisher: I thought Randy determined that there was--

Hershey: Square footage is--

Fisher: --was compliant.

Hershey: Right. There's just quantity. So, you're allowed one square foot per lineal footage of frontage. So, it looks like they've met the square footage, they're just--being that they want three signs, they're over the allowed amount.

Boloven: They're allowed one-- say that again. One square foot for each--

Hershey: So, they're allowed one square foot of area for each one lineal foot of frontage of the building or portion occupied by each space.

Boloven: Thank you, Mr. Chair.

Coppola: You're welcome. Any other questions?

Baringhaus: Mr. Chairman.

Coppola: Vice Chair Baringhaus.

Baringhaus: Okay. Yeah, just--just one. If you're--where are the building entrances located? On what sides of the building?

Ludwigsen: Facing Roycroft.

Baringhaus: Roycroft.

Ludwigsen: That is the--the customer/member entrance is facing Roycroft.

Baringhaus: Okay. Great. That's the only one?

Ludwigsen: That is the only one.

Baringhaus: Okay. Thank you.

Coppola: Anything else? Alright, just give us a minute, we'll go through the audience statements, correspondence. Anybody in the audience like to speak for or against this petition? Seeing none, is there any correspondence?

Klisz: There is no correspondence.

Coppola: Well, we got--we dispensed with that very quickly. Anything you'd like to say in closing?

Ludwigsen: No, thank you. I do wanna just address the ATM wraps that were mentioned there. I haven't been to these new ATMs but I--I'm familiar with what that wrap looks like and I believe the "C" on the wrap is on the side, so it wraps at the corner, partial facing one way, the other facing the other way, so, while it would be visible to Roycroft, only it's a partial view, half of the "C" is showing, if that were to be an issue and it would be considered signage, it would be moved to face directly East and it would only be visible as you were in the ATM lane, not facing Roycroft--or looking at it from Roycroft.

Coppola: Okay. Anything else? That a no?

Godin: No.

Coppola: Nothing else? Alright, I'm gonna close the public portion of the case and start the Board's comments with Secretary Klisz.

Klisz: I think what has been brought out here by the questioning and--and all of our queries is the third sign, the logo, I mean, I guess they are trying to brand it but of course branding means more money and we can't consider that as a--as part of our request so, I think the monuments sign is a great upgrade in that one I have no problem with it. it's a little bit over but it still makes sense the way they've done it and their redoing the word sign and adding the one extra “C” sign makes sense but having the other “C” sign right around the corner from it, once you're already in the parking lot seems to be redundant so I don't know if it's a table and then they come back or if we can partially approve it, partially deny their request for the third sign but that's--that's where I'm at.

Coppola: Vice Chair Baringhaus.

Baringhaus: I think the petitioners did a very good job of outlining their hardships basically it's located--comes down to the location of the building I mean you basically blocked by a large office building on the corner of Farmington and Five mile also in terms of your current monument sign, I agree I think it's very low to the ground. the colors don't give it a high degree of visibility--you know--on that location as well. In terms of the signage I think due to the fact that the front of the building doesn't face on Farmington, the side of the building does, I think maybe gives you an extenuating circumstance for that third sign. You do have a lot of trees on the property which also further reduces your visibility. I think with the limited lines of sight that you have at this location I think a third sign is justified. So, based on that I'll support the variance, thank you

Coppola: Thank you, Mr. Morgan.

Morgan: Yes, after looking at this and driving around there several times and taking a look, I think the ground sign is very acceptable. I think it'll be a nice upgrade. The sign that you have on the South side of the building as traffic is flowing north I think that is very acceptable and if you're going to change that and it's going to be illuminated nicely I think that would be acceptable also. The two logos on the front right around the corner and the one in the parking lot that were basically be facing Roycroft, I don't think it is--I don't think that's necessary and there's a reason why these sign ordinances are in place. I think that I would be against this--these signs putting up. Mainly number two and three. So, I will not be in favor of this. However, I would be in favor of tabling it and then seeing if there could be some adjustments made where it would make it a little more acceptable. Thank you.

Coppola: Alright, thank you. Mr. Testa.

Testa: Yes, thank you, Mr. Chair. I support the monument sign although I wish it didn't have to be as tall as it is, I understand the explanation so thank you. I think it is an upgrade. I am not in support of the variance to allow two additional wall signs. I could probably live with one of them. My preference would be to have them on the North and South side. I don't see the need for the West sign but if you wanted to come back with another proposal to justify having with only two signs, I could be in support. If you wanna do it on the West, I would probably need some more justification but I do like Vice Chairman Baringhaus' explanation on why the West side is--is justified. Thank you.

Unknown Petitioner: Thank you.

Coppola: Alright, thank you. Mr. Turbiak.

Turbiak: Thank you, Mr. Chair. Yeah, I agree a lot with my colleague Mr. Morgan. I am fully in support of the ground sign item number, 8B. I understand the reasoning for the height and I can get on board with that because of the uniqueness with Farmington being split there and it's really difficult to put any other signage, I think, on this building other than the obvious South side sign that you're planning to replace anyways--you know--to give visibility to the site to help locating this site. I--I don't see the need for the one on the West side I believe that was number two and they also--I'd have to be swayed to accept number three on the North side and I would--so, I'd be in support of tabling or like I said, potentially approving in part. If I was gonna approve in part tonight, it would be just the change to the South sign and then the change to the ground sign and it would also be conditioned on re-wrapping the ATM machines so that the logos only face to the East. Thanks.

Coppola: Alright, thank you. Mr. Boloven.

Boloven: I agree with Secretary Klisz on this one. I think everybody is in favor of the monument sign. Doesn't seem like there's been one objection there. When it comes to these wall signs it--it's hard when you start getting an overage of numbers. I mean, one is what's allowed and looking--I drive this route numerous times a day, North and South, sometimes East and West, I--I see the hardship definitely for the South side--South sign on number one. I can actually buy the one on the West elevation, number two. I mean, I--I see where people might miss it. I see it's a unique building. I see it's (inaudible). I can't get behind number three though. It just doesn't make sense once people are already there to say a hardship that they're not gonna find the building. So, I would be in support of a tabling seeing that it's a mixed Board, but--you know--if the vote were today, I'd be in support of the monument and in support of one and two, not number three. Thank you.

Coppola: Thank you. Mr. Boloven, I'm gonna shoot one of your arguments down right now because I'm actually not in support of the monument sign variance. I think there's lots of--there's lots of extra space on the sign. there's lots of white space. There's extra elevation on the--on the black area what you call the ground area and I think you could probably bring it into compliance. I don't wanna start providing variances on height on signs on Farmington Road. I--I don't. The rest of the Board may. So, I--I think you can comply with what's required in the ordinance to get a sign on--get your ground sign. And I do--and by the way, but I do like it, and I like the improvement. I think--I think modernizing that is going to help quite a bit and I think it will improve the visibility. The sign you have now probably was a great idea back when you did it but now you look at it, it's actually--visibility's not very good. On the building signs, there's just too many of them and I understand why you want it and you're changing of branding--the brand awareness, but that's not a reason for us to--to--actually, it's not a viable reason for us to approve the variance as I stated in the opening--the opening statement. When I look at this I could probably be convinced of--of maybe two signs. And we've done this--we've done this for other credit unions that have either renovated their buildings, I can think of the one on Newburgh and Six Mile, where we gave them two wall signs in one of the wall signs was actually facing their parking lot. Here you're asking for us to give you a wall sign that faces your parking lot. We did another one on Middlebelt, south of--south of Seven Mile, I think it was, where we allowed two wall signs. That was a uniquely shaped building where it actually was--the corner was facing the--facing the street and we allowed them--allowed them two signs also. So, I don't wanna--what's the right word I wanna look for, put you in a lesser position than others that we've allowed, so I can probably get convinced of two signs instead of the three. So, I'm all for a tabling. I think Community Choice and its predecessors have been--been great--a great member of the community. You've supported a lot--lot of activities in the community and we want to be supportive too but I also want to be very careful and cognitive, creating--creating kind of precedents that others will push onto. So, again, I'm--I'll support a tabling and then if you can take back the comments of the Board and bring back a revised petition, you don't have to, but probably based on the feedback you've gotten, you probably would wanna revise your petition and then we can get you--your branding up to date. So, I will go ahead and open up the floor for a motion.

Unknown Petitioner: Can I ask something first or?

Coppola: No. Sorry.

Upon Motion by: Testa. Supported by: Boloven.

<u>RESOLVED: APPEAL CASE NO. 2021-10-42</u>: An appeal has been made to the Zoning Board of Appeals by Community Choice Credit Union, 15420 Farmington, Livonia, MI 48154, seeking to erect a ground and wall signs resulting in excess number of wall signs and excess ground sign height.

<u>Number of Wall Signs</u>:		**<u>Ground Sign Height</u>**:	
Allowed:	One	Allowed:	6.0 feet
Proposed:	Three	Proposed:	7.3 feet
Excess:	Two	Excess:	1.3 feet

The property is located on the east side of Farmington (15420), between Roycroft and Five Mile, Lot. No. 059-01-0008-001, C-1 Zoning District. Rejected by the Inspection Department under Livonia Vision 21 Ordinance, Section 11.08(2), “Sign Regulations for C-1 Districts,” **be tabled in order for the petitioner to rework their proposal and come back to the Board**.

ROLL* CALL *VOTE:

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

Klisz: 7-0 tabled.

Coppola: Okay, your petition’s been tabled. Now you can ask a question.

Godin: I was just gonna ask like what--what we could have gotten approved today, so we didn’t have to be tabled, but--

Coppola: Yeah, I think that ship has sailed unfortunately at this point, so I would reflect on the comments of the Board and that will give you a relatively good idea of what--what can and can--and can’t pass muster with the Board. Again, all you need is four votes, so you just gotta convince four of us, so listen to what we said, and you could probably--probably construct something that will get you through the next time.

Godin: Okay, great. Thank you.

Coppola: Alright, so when you--when you get your next--when you get your revised petition ready to go, you can go back to the Zoning Board, get on the schedule. The next open meeting is November 16th, but you have to get your submission in by the 18th. Otherwise, November 30th, and you need to get on--on by November 1st. Again, both those dates of submission, the 18th of October for the 16th of November and the 1st of November for the 30th of November is premised on six people not getting in front of you. And I--we have two cases on the 16th and no cases on the 30th right now.

Godin: You have two cases on the 16th you said?

Coppola: Right now. Yep.

Godin: Okay. Okay. Alright, thank you.

Ludwigsen: Thank you.

Coppola: Alright, thank you. Alright, we’ve got minutes. The infamous August 10th minutes, which I believe only four that were there are permitted to vote on.

Baringhaus: Mr. Chairman.

Coppola: Vice Chair Baringhaus.

Baringhaus: Thank you. Finally, motion to approve the August 10th, 2021, meeting minutes.

Testa: Support.

Boloven: Go ahead, Mr. Testa.

Coppola: Okay, I only heard three. Who's the fourth?

Boloven: You.

Coppola: Oh, is it me? Okay, I support. How quickly I wanna forget that meeting to be honest with you. So, now we've got the meeting minutes for the 28th?

Testa: Mr. Chair.

Coppola: Mr. Testa.

Testa: Move to approve the meeting minutes for September 28th, 2021.

Coppola: All in favor?

Board: Aye.

Coppola: Meetings approved. We've got one more responsibility--activity. We need to elect officers, so we've got three officers. We've got three officers, we've got the Chairman, the Vice Chair, and the Secretary.

Elections were held for the positions of Chair, Vice-Chair, and Secretary.

POSITION OF CHAIRMAN:

By Boloven, supported by Testa, to nominate Coppola for the position of Chairman; Coppola accepted nomination. All were in favor.

POSITION OF VICE CHAIRMAN:

By Boloven, supported by Testa, to nominate Baringhaus for the position of Vice Chairman; Baringhaus accepted nomination. All were in favor.

POSITION OF SECRETARY:

By Baringhaus, supported by Boloven, to nominate Klisz for the position of Secretary; Klisz accepted nomination. All were in favor.

Coppola: Anything else for the good of the cause that we need to discuss?

Boloven: Motion to adjourn.

Coppola: Alright, support?

Testa: Support.

Coppola: Alright, motion by Mr. Boloven, supported by Mr. Testa. All in favor?

Board: Aye.

There being no further business to come before the Board, the meeting was adjourned at 9:24 p.m.

Gregory G. Coppola, Chairman

Timothy J. Klisz, Secretary

/vcb CEO 9489