

9-15-15

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1 REGULAR MEETING - ZONING BOARD OF APPEALS
2 CITY OF NOVI
3 September 15, 2015
4

5 Proceedings taken in the matter of the ZONING BOARD OF
6 APPEALS, at City of Novi, 45175 West Ten Mile Road, Novi,
7 Michigan, on Tuesday, September 15, 2015

8 BOARD MEMBERS

9 Cindy Gronachan, Chairperson

10 Linda Krieger, Secretary

11 David Byrwa

12 Jonathan Montville

13 Mav Sanghvi

14 Rickie Ibe
15

16 ALSO PRESENT: Thomas Walsh, Building Official

17 Beth Saarela, City Attorney

18 Coordinator: Stephanie Ramsay, Recording Secretary
19

20 REPORTED BY: Jennifer L. Wall, Certified Shorthand Reporter
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23
24
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1 Novi, Michigan.
2 Tuesday, September 15, 2015
3 7:00 p.m.
4 ** ** **

5 CHAIRPERSON GRONACHAN: At this
6 time, I would like to call the September 15,
7 2015 Zoning Board of Appeals meeting to
8 order.

9 Would you all please rise and
10 Member Krieger will you lead us in the Pledge
11 of Allegiance.

12 (Pledge recited.)

13 CHAIRPERSON GRONACHAN: Thank
14 you.

15 Ms. Ramsay, will you please
16 call the roll.

17 MS. RAMSAY: Member Ibe?

18 MR. IBE: Present.

19 MS. RAMSAY: Member Krieger?

20 MS. KRIEGER: Present.

21 MS. RAMSAY: Member Sanghvi?

22 MR. SANGHVI: Present.

23 MS. RAMSAY: Member Ferrell is
24 absent, excused.

25 Member Byrwa?

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1 MR. BYRWA: Here.

2 MS. RAMSAY: Member Reichert is
3 absent, excused.

4 Member Montville?

5 MR. MONTVILLE: Here.

6 MS. RAMSAY: And Chairperson
7 Gronachan?

8 CHAIRPERSON GRONACHAN: Present.

9 Thank you.

10 Welcome everyone on this
11 beautiful September evening. It's a shame
12 that we all have to be in here, but we will
13 try to get through this as quick as possible.

14 In the back there is a list of
15 rules for this meeting. I ask everyone at
16 this time to please turn off your cellphones,
17 if you would, during the meeting.

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18 I also ask that if there is
19 people in the audience that wish to make a
20 comment on a particular case, be sure that I
21 see you -- they have the lights up tonight,
22 so I think I will catch everybody, but in
23 case we miss you, please just raise your hand
24 or come to the front row, if you have a
25 comment on that particular case only.

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1 Are there any changes to the
2 agenda this evening?
3 Case number two?
4 MS. RAMSAY: Yes, one
5 cancellation. Sorry.
6 CHAIRPERSON GRONACHAN: So board
7 members, case number two or Case No.
8 PZ15-0019, has been canceled at this time.
9 Are there any other changes?
10 (No audible response.)
11 CHAIRPERSON GRONACHAN: Seeing
12 none, all those in favor of approving the
13 agenda as-is, say aye.
14 THE BOARD: Aye.
15 CHAIRPERSON GRONACHAN: Any
16 opposed?
17 (No audible responses.)
18 CHAIRPERSON GRONACHAN: None.
19 The agenda has been approved.
20 We had two sets of minutes in
21 our packet, approval for the July 14 minutes.
22 Were there any changes or additions to the
23 minutes?
24 (No audible responses.)
25 CHAIRPERSON GRONACHAN: Seeing

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1 none, were there any changes or additions to
2 the minutes for the August 11 meeting?
3 (No audible responses.)
4 CHAIRPERSON GRONACHAN: Seeing
5 none, all those in favor of approving both
6 the July 14, 2015 and August 11, 2015 minutes
7 say aye.
8 THE BOARD: Aye.
9 CHAIRPERSON GRONACHAN: The
10 minutes have approved.
11 At this time I'm asking the
12 audience if you have to -- if you would like
13 to make any comments to the board this

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14 evening in regards to anything other than
15 what's on the agenda, you can come down and
16 do so now.

17 Is there anyone in the
18 audience that wishes to do so?

19 (No audible responses.)

20 CHAIRPERSON GRONACHAN: Seeing
21 none, we will move onto our first case. Case
22 No. PZ15-0010, Peter Stanaj, vacant parcel on
23 south side of Nine Mile Road east of Napier.

24 Would you like to come down.
25 Is the petitioner here?

0007

1 The applicant is requesting
2 variances from the City of Novi to allow
3 construction of a new single home.

4 Members, if you remember,
5 Mr. Stanaj was here two months ago and we
6 tabled this for further additional
7 information.

8 So ladies and gentlemen, if
9 you would please, if you're all going to
10 testify, please state your names, spell it
11 for the secretary, raise your right hand and
12 be sworn in by Member Ibe.

13 MS. MICHALSKI-WALLACE: Ginger
14 Michalski-Wallace, G-i-n-g-e-r,
15 M-i-c-h-a-l-s-k-i dash W-a-l-l-a-c-e.

16 MR. GEORGE: Steve George. I'm
17 the legal representation for Mr. Stanaj,
18 S-t-e-v-e, G-e-o-r-g-e.

19 CHAIRPERSON GRONACHAN: You're an
20 attorney?

21 MR. GEORGE: I am.

22 CHAIRPERSON GRONACHAN: You won't
23 have to be sworn in. Thank you.

24 MR. STANAJ: My name is
25 Peter Stanaj. I am the owner of the

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1 property.

2 CHAIRPERSON GRONACHAN: So the
3 two that are not attorneys --

4 MR. GEORGE: Mr. Stanaj and
5 Ginger.

6 CHAIRPERSON GRONACHAN: Would you
7 both raise your right hands and be sworn in
8 by our secretary.

9 MR. IBE: Do you swear in this

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10 case to tell the truth and nothing but the
11 truth?

12 MR. STANAJ: I do.

13 MS. MICHALWSKI-WALLACE: I do.

14 CHAIRPERSON GRONACHAN: Whoever
15 would like to go first and start your
16 presentation.

17 MR. GEORGE: Thank you. Just
18 real brief again. My name is Steve George
19 and I'm the attorney representing Mr. Stanaj
20 in this matter.

21 As you had indicated,
22 Mr. Stanaj was here I believe on May -- early
23 May 2015.

24 At that time, there was an
25 adjournment. In reading through the

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1 documentation that's been provided with
2 regard to today's hearing, it appears the
3 adjournment in large part was because
4 Mr. Stanaj was requested to provide a layout
5 or some formal plan, at least a diagram
6 design of what's proposed of how it's going
7 to be.

8 Attached to the packet is an
9 actual diagram of the house tht he's
10 proposing to build. It's about 2,700 square
11 feet. It was submitted on May 21st, stated
12 as such.

13 We have again with us, Ginger
14 Michalski-Wallace who is with Alpine and she
15 was responsible for the -- I believe she was
16 here last time as well. And she can answer
17 any questions with regard to the sketch, any
18 issues with the setbacks. Both she and I can
19 answer. Of course, we have Mr. Stanaj who
20 can answer any questions or address any
21 issues with regard to his intentions on the
22 building of the house, and some of the other
23 questions I think that would be follow-up to
24 the original meeting that occurred in early
25 May.

0010

1 CHAIRPERSON GRONACHAN: Thank
2 you. Is there anyone in the audience that
3 wishes to make comment at this time in this
4 case?

5 MR. EWING: There is four of us

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6 here.

7 CHAIRPERSON GRONACHAN: Come on
8 down, please.

9 MR. EWING: Good evening. Mike
10 Ewing, 22350 Waterland Drive, Northville. I
11 hope the board has had the opportunity to
12 look at the property.

13 CHAIRPERSON GRONACHAN: They
14 don't need to be sworn in?

15 MS. SAARELA: No.

16 MR. EWING: I'm a lawyer anyway,
17 but I can be sworn in, if you choose.

18 I have the house -- as you
19 drive down Waterland Drive, I am the house
20 immediately to the right of the subject
21 property. And I was here in May and objected
22 at that time.

23 The board asked Mr. Stanaj to
24 give plans -- detailed plans of what he
25 intended on building there.

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1 The board was very gracious
2 with him in terms of time. He said he needed
3 three months, but then took four months and
4 five days after the original hearing he
5 submitted a one page document -- with
6 something from I think Architectural Digest.
7 That's not what the board instructed him.

8 But be that as it may, I live
9 again immediately to the right of the subject
10 property, and I bought that property, my
11 property in 2009, with the express
12 understanding that that lot next to me was
13 non-buildable. The neighbor next on the
14 other side did the same thing. And I don't
15 know if the board has had an opportunity to
16 look at the property, but I do have some
17 pictures that I think are interesting, that
18 the board would take an interest in.

19 I don't know how to show
20 these.

21 CHAIRPERSON GRONACHAN: Set it on
22 there and it will turn on.

23 MR. EWING: So that's the corner
24 of my house and the lot -- the subject lot
25 that they proposed to build on is right there

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1 next to it, that's about 15 feet from the

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2 corner of my house. And the house that they
3 plan to build. That's one picture.

4 Here is -- there is another
5 one showing how close this proposed structure
6 is to the house, and to allow this will be
7 tantamount to having them a build a house in
8 my backyard, right outside my window. That's
9 what is going on here.

10 Here is another photo from my
11 next-door -- the house on the other side of
12 the lot, next to the -- so you have the lot
13 and the subject lot, my house on the right,
14 this house is the left. This gentleman's
15 property butts right up against the subject
16 property where he chooses to build the house.
17 He has got an above-ground deck. This is not
18 a detailed plan of what is expected.

19 At the first hearing, he
20 indicated that the house would be facing Nine
21 Mile, as you drive down Waterland Drive, all
22 the houses face Waterland Drive, as you drive
23 down with this structure that he proposes you
24 will be facing -- you would be looking at the
25 back of his structure. It's clear that you

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1 understand that. This is not like kind and
2 quality. All these homes have acreage, built
3 on an acre. You have this home coming in,
4 built in the back of my bedroom window. I
5 absolutely object to it. I objected then. I
6 object now.

7 He bought this property in
8 1988 for \$5,000. He told us after the first
9 hearing that he's the one that sold and
10 developed all this property. He knew very
11 well that the lots in that subdivision were
12 all an acre.

13 And now to come back after 30
14 years and say I want to build something
15 knowing what the restrictions were, is
16 totally objectionable.

17 CHAIRPERSON GRONACHAN: Thank
18 you, sir. Do you have anything else?

19 MR. EWING: Not unless there is
20 questions.

21 CHAIRPERSON GRONACHAN: Not at
22 this time. Thank you.

23 Next.

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24 MR. MULLIGAN: Mike Mulligan,
25 22330 Waterland. I live next to Mr. Ewing.

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1 Once again, what he pretty
2 much is what I believe also. Is that the
3 owner of that property after meeting a week,
4 a month ago, we made it pretty much -- like
5 he made a bunch of money off the property, he
6 has his property and came out and said boys,
7 if you want to buy it, this is the price. We
8 are like buy it, you can't build anything on
9 this thing. Why are you trying to extort us
10 to put -- because I don't believe he's
11 planning to live on this property. It's just
12 a piece of property he's trying to make a
13 buck, turn around, put up a spec home, when
14 it's going to affect the value of all of our
15 nice homes in our subdivision.

16 So once again, I object and
17 thank you very much.

18 CHAIRPERSON GRONACHAN: Thank
19 you.

20 MR. DWYER: Hello. My name is
21 Jim Dwyer at 51072 Sunbay Drive. Just kind
22 of piggyback on the voice of the other two
23 gentlemen. You know, the restrictions that
24 we have for the 100 houses in that area are
25 pretty tight. We are all on one plus acre.

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1 And I think the property that
2 they are looking at building on clearly is
3 much smaller than that. And in addition
4 they're looking for variances to push the
5 house back into the neighbor's yards even
6 further and quite honestly potentially
7 devaluing their property. I don't know how
8 the board could potentially look at that and
9 make that decision, to allow that to happen,
10 thus possibly reducing the value of these
11 existing homes around it. And I think that's
12 something we have to really look hard at.

13 CHAIRPERSON GRONACHAN: Thank
14 you.

15 MR. MENSER: Charles Menser,
16 22235 Waterland Drive, I'm a few houses down.
17 I bought one year before Mr. Ewing, who is
18 directly right to these trees, this small
19 parcel, I have the same objections. I don't

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20 like the idea of my neighborhood being
21 changed, potentially dropping the value of my
22 property, by a house that would not fit into
23 our road, but would be very close to it,
24 looking like an outhouse almost to our
25 properties.

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1 And so I'm here with the same
2 feelings and I object to the building of this
3 property. Thank you.

4 CHAIRPERSON GRONACHAN: Thank
5 you. Is there anyone else in the audience at
6 this time?

7 MR. EWING: I wonder if I could
8 make one follow-up comment.

9 CHAIRPERSON GRONACHAN: Make it
10 quick.

11 MR. EWING: I want to make sure
12 that the board was aware of a letter from
13 another neighbor that was dropped off today.

14 CHAIRPERSON GRONACHAN: We are
15 going to get to that.

16 MR. EWING: Thank you.

17 CHAIRPERSON GRONACHAN: Seeing
18 none, Mr. Secretary, is there any
19 correspondence?

20 MR. IBE: Yes, Madam Chair, thank
21 you. There were nine letters mailed, one
22 letter returned, one objection, zero approval
23 letters received.

24 The sole objection letter that
25 was received is from Joshua and Natalie Reed,

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1 who reside at 22310 Waterland Drive, in
2 Northville. And it reads, "Reference Peter
3 Stanaj, West Nine Mile various requests. To
4 whom it may concern. There has been a
5 request for some variances by a Mr. Peter
6 Stanaj, in an attempt to build a home on the
7 vacant land located on the south side of West
8 Nine Mile Road, just east of Napier. As a
9 resident in Park Place Estates, which is
10 adjacent to the property in question, I find
11 this request deplorable. I, Natalie Reed, am
12 also a listed broker and I cannot figure out
13 how a potential structure on this lot would
14 ever make sense to the existing homes around
15 the potential building or for the potential

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16 building itself. The lot is an odd shape.
17 The backyard would be very unsightly for the
18 existing properties in Park Place Estates.
19 The rear of the house will have to be almost
20 even with the front of the homes on the
21 cul-de-sac on Waterland Drive. If a building
22 was constructed in the proposed site, it
23 would negatively impact the value of the
24 existing homes, close in proximity because of
25 unsightliness due to the fact that

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1 construction will need to be so close to the
2 other structures, which is not evident our
3 neighborhood. Every other home in Park Place
4 Estates is seemingly an acre and the distance
5 between the neighbors is quite consistent.
6 Additionally Park Place Estates has standards
7 in an effort to positively impact everyone's
8 property values, and there are no good
9 guarantees the quality of the structure would
10 be consistent with the neighborhood that a
11 structure would be inserted into. Please
12 deny the request for the attached variance
13 requested. Regards, signed Joshua and
14 Natalie Reed."

15 That's it, Madam Chair.

16 CHAIRPERSON GRONACHAN: Building
17 department?

18 MR. WALSH: The only comment I
19 have is the applicant submitted a one page
20 document dated May 21st, however, the
21 document shows a proposed deck on the plan.

22 No variances were advertised
23 for the deck, due to -- that wasn't part of
24 his request, so it's just for the house, any
25 future decking would have to come back in

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1 front of the board. Thank you.

2 CHAIRPERSON GRONACHAN: Thank you
3 building department.

4 Board members?

5 MR. BYRWA: You know, when this
6 originally platted out, does anybody have any
7 knowledge was this designed to be a
8 subdivision park for the immediate parcels in
9 that area or it just seemed like an odd
10 cutout, there had to be some kind of intent
11 on why it was done that way.

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12 CHAIRPERSON GRONACHAN: You can
13 address that to the petitioner and his
14 attorney.

15 Would you please come back up.
16 I don't know if you heard Member Byrwa's
17 question.

18 MR. GEORGE: It was with regard
19 with to the plot. I will let my client
20 address that. I think he has more of an
21 understanding of a historical component to
22 the lot. I also, too, if permitted, I'd also
23 like to respond -- not now, but --

24 CHAIRPERSON GRONACHAN: We will
25 get to that.

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1 MR. GEORGE: Thank you. Did you
2 hear the question? I'm sorry -- can you --

3 MR. BYRWA: I was just wondering
4 when it was originally platted out, if that
5 was designed to have some kind of benefit to
6 the immediate parcels in the neighborhood,
7 maybe be a subdivision park or something like
8 that where the whole subdivision could
9 benefit from -- it just seemed like a way
10 undersized lot uncharacteristic of the
11 neighborhood.

12 MR. STANAJ: No. Whenever I
13 bought it, I knew one day I would build a
14 house there.

15 MR. BYRWA: So everybody else has
16 over one acre lots and you have something
17 maybe a quarter acre where you thought you
18 would build a house on that?

19 MR. STANAJ: Yes.

20 MR. BYRWA: Okay.

21 CHAIRPERSON GRONACHAN: Any other
22 questions?

23 MR. BYRWA: No, that will be all.

24 CHAIRPERSON GRONACHAN: Thank
25 you. Member Montville?

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1 MR. MONTVILLE: I guess I need
2 help with this. When you were looking at
3 potential models, the one you have proposed,
4 was there any consideration for a smaller
5 house that would fit within the ordinance
6 without having to ask for a variance request?

7 MR. STANAJ: I think that the

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8 plan -- looking to build there pretty much, I
9 know it's -- that house can build up to 3,000
10 square feet, and I know that subdivision
11 there, it's a lot of houses under 3,000
12 square feet.

13 So I don't know how they
14 saying, you know, lose the value of their
15 homes, with the house because they're
16 back-to-back -- these streets in the
17 subdivision, the houses are back-to-back, you
18 know. So from my house if I look in the
19 back, I see their -- back of their house, so
20 they want to -- if they want me to turn my
21 house, so facing same way their house, you
22 know, I can't --

23 CHAIRPERSON GRONACHAN:
24 Mr. Stanaj, thank you. Just
25 one more -- the question from Member

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1 Montville was could you build a smaller house
2 than the size -- I don't know that you are
3 addressing his question.

4 MR. STANAJ: Yes, I might be able
5 to build a smaller house.

6 CHAIRPERSON GRONACHAN: Do you
7 have any other questions?

8 MR. MONTVILLE: I'm all set.
9 Thank you.

10 CHAIRPERSON GRONACHAN: Do you
11 have any questions?

12 MR. IBE: Yes, I do.

13 CHAIRPERSON GRONACHAN: Member
14 Ibe.

15 MR. IBE: Mr. Stanaj, for you and
16 your party, if I recall, was this the same
17 case where the neighborhood association was
18 here the last time? That's not the case?

19 CHAIRPERSON GRONACHAN: No.

20 MR. IBE: Just making sure. Did
21 you, in fact, buy this property in 1988 as
22 alluded to by one of the gentlemen that
23 spoke?

24 MR. STANAJ: I am not quite sure
25 what year it was, but I believe somewhere in

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1 that --

2 MR. IBE: Are you the developer?

3 MR. STANAJ: Yes.

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4 MR. IBE: Did you develop this
5 particular subdivision?

6 MR. STANAJ: Actually, I'm not a
7 developer. Let me strike that. I am a
8 builder.

9 MR. IBE: So you built the homes
10 in this subdivision?

11 MR. STANAJ: No.

12 MR. IBE: Do you know what the
13 minimum square footage is for the homes in
14 this neighborhood?

15 MR. STANAJ: I drive by there,
16 and just looking with my eyes I see a lot of
17 houses probably under 3,000 square feet.

18 MR. IBE: That can be easily
19 verified, I'm sure through records. I'm sure
20 we know what the minimum square footage is.
21 But the lots in this neighborhood are an acre
22 from what I hear. These are all one acre
23 lots.

24 What is the size of your lot
25 that you propose to build on?

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1 MR. STANAJ: The lot size?

2 MR. IBE: Yes, sir.

3 MR. STANAJ: It's 115 by 115.

4 MR. IBE: Which is significantly
5 less.

6 Do you know if this
7 neighborhood, they have an association?

8 MR. STANAJ: I don't know, not
9 without the subdivision -- I'm separate from
10 the subdivision, I guess.

11 MR. GEORGE: And if I could -- I
12 know a lot of the questions -- I just want to
13 make sure the board knows that this
14 particular lot is not made up of the Park
15 Place subdivision, it's not part of the
16 subdivision or any association that may
17 exist.

18 So any issues with regard to
19 minimum requirements of a particular
20 subdivision, Mr. Stanaj would not know
21 because he does not -- he doesn't have any
22 information with regard to it. He's not
23 within the boundaries of the subdivision.

24 MR. IBE: Very well. Very well.
25 Let me ask you a hypothetical question, sir.

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1 Let's assume for all intents
2 and purposes that you are -- your neighbor,
3 your potential new neighbors and you own a
4 beautiful home, it's 4,000 square feet and on
5 an acre, and your neighbor, your potential
6 new neighbor is trying to build a house such
7 as the one you just described. How would you
8 react to that?

9 MR. STANAJ: I mean, they have a
10 right as long as the city approves it, you
11 know, I can't object to it. They approve it,
12 smaller house, city, I guess, you know,
13 that's up to the city to approve it or not.

14 MR. IBE: Do you think you will
15 be concerned about the property value of your
16 home based on this smaller home, that's going
17 to be, you know, mushroomed next to your
18 property?

19 MR. STANAJ: This home is not in
20 the subdivision.

21 MR. IBE: I understand. That was
22 not the question, sir.

23 The question is, would you be
24 concerned about the property value of your
25 home as a result of this home that's going to

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1 be built next to you? That's your
2 neighborhood, the house that you propose that
3 your neighborhood has, that's going to be
4 built next to your acre lot, would you be
5 concerned about it? Truthfully.

6 MR. STANAJ: They have a right,
7 you know -- you know, if they have a lot,
8 they have a lot there for a long time, the
9 lot is there for them to build, so for me to
10 like it or not, you know, they have a right
11 to build it.

12 MR. IBE: Thank you very much. I
13 appreciate your time. Thank you.

14 CHAIRPERSON GRONACHAN: Member
15 Sanghvi?

16 MR. SANGHVI: I come and see your
17 place, I picked the wrong day, it was Friday
18 afternoon, it was raining. I looked around.
19 You have a relatively very small lot. And I
20 really have a problem when there is new
21 construction and they require this kind of

22 variance.

23 And to be quite honest, I have
24 great difficulty agreeing for this variance.
25 Thank you.

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1 CHAIRPERSON GRONACHAN: Thank
2 you. Member Krieger?

3 MS. KRIEGER: I have a question
4 from the Nine Mile aspect. If there would be
5 variances because the configuration of Nine
6 Mile and Napier, if the road was paved at any
7 time or widened, the impact onto the property
8 itself, would that decrease it more?

9 MR. WALSH: Right now the home is
10 proposed at the existing 43 foot half
11 right-of-way, which is also the proposed half
12 right-of-way.

13 When you look at the lot, it's
14 115 by 115, you also got to take off 43 feet
15 from the center line of the road back, so
16 buildable area gives you 72 by 115.

17 MS. KRIEGER: If they were to
18 build construction as well, if they were
19 bringing construction vehicles that is going
20 to affect traffic on Nine Mile to build that
21 site, or if a fire truck needed to go by --

22 MR. WALSH: It shouldn't.

23 MS. KRIEGER: Also I remember
24 Mayor Clark saying location, location,
25 location, that's always stuck in my mind, so

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1 that's an impact when you buy a property and
2 there is something that's unknown near you,
3 however, I also see there is -- if you could
4 explain more how this request is not going to
5 adversely impact surrounding property,
6 property values and enjoyment of the
7 properties of the neighboring district,
8 whether it's in your sub or not, it's a
9 neighbor and to have a site that has certain
10 size homes with one acre lot and then to
11 build on Nine Mile have a separate site, with
12 less that will impact -- that will impact the
13 price value of those homes and the enjoyment
14 of their property.

15 So I would like you to explain
16 more how that wouldn't because I have a
17 problem with that.

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18 MR. STANAJ: I think, you know,
19 it's not going to hurt because it's not the
20 land, how much land -- the land means
21 something, you know, the people will look at
22 the house, so the house is not going to look
23 worse, a lot of those houses in the
24 neighborhood --

25 MR. GEORGE: If I might --

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1 CHAIRPERSON GRONACHAN: Go ahead.

2 MR. GEORGE: Again, there has
3 been a lot of talk about devaluing, and I'm
4 not really sure that there has been any
5 substantial material move that this would
6 devalue. Mr. Stanaj is not building as
7 referred to earlier an outhouse, he's
8 building a house that in all ways will have
9 to have conform to city ordinances.

10 It's going to be consistent
11 with if you look at the size of the house,
12 consistent with the other houses in the area
13 size-wise.

14 He's obviously planning to use
15 the same due care and wants to be consistent
16 with what's still there right now. Again, I
17 know there is a lot of talk about devaluing,
18 but I haven't really seen anything that's
19 been presented that would actually
20 substantiate anything that's substantive that
21 would -- changeable that would show that the
22 values of the surrounding houses would be
23 devalued.

24 MS. KRIEGER: I'm sure if we
25 looked at real estate values or at people --

0030

1 customers the market for a new home to see
2 all these other homes in this site, and then
3 come up upon a home that's got another home
4 right on top of it, I would be less likely to
5 buy a house with that new building so close
6 impacting, wondering what's going on in that
7 other area. So I beg to differ.

8 MR. GEORGE: I think that
9 different houses -- depending on lot sizing,
10 sometimes are valued less; in other words,
11 the lot sizes are the lot sizes. The houses
12 that are on the property adjacent to my
13 client's property are still the same size,

14 the same house.

15 My client is going to have a
16 house that's going to be consistent with the
17 integrity with the houses that are there with
18 a smaller lot. His house may be valued less
19 because his lot is smaller, but again we are
20 going to the issue of the surrounding, which
21 obviously is one of the characteristics and
22 one of the criteria you have to consider,
23 you're -- I would -- I think it would be
24 remiss of us to just assume that this was
25 going to devalue if there was some material

0031

1 objective measure that we are using to say
2 that this will absolutely devalue the house,
3 then I can understand, but I haven't seen
4 anything put before this board that would
5 support that.

6 MS. KRIEGER: On my criteria for
7 granting a variance, that's one of the things
8 I have to consider to granting.

9 MR. GEORGE: I agree with that.
10 It's one of five criteria that you're looking
11 at -- I believe six criteria actually. But
12 again, I would -- I think just that you have
13 surrounding property owners coming before you
14 saying it's devaluing the property, without
15 any -- I don't see a report, I don't see
16 anything from a real estate agent, maybe a
17 broker, anything with regard to
18 statistically --

19 MS. KRIEGER: Do you have
20 something that shows -- if we are saying that
21 we believe not, then you have something to
22 show that there are other areas that it
23 wouldn't?

24 MR. GEORGE: You're asking me to
25 prove that it wouldn't devalue --

0032

1 MS. KRIEGER: That's what would
2 allow me to grant this request. That's your
3 more evidence that you would bring to the --

4 MR. GEORGE: You're having me
5 prove something that I'm saying doesn't
6 exist. You know, if it exists, then the
7 proof is in the party that's alleging that it
8 does exist, they are alleging that there
9 would be devalue of the house. You want me

9-15-15

10 to prove that it wouldn't devalue. I can't
11 prove that something doesn't exist.

12 What is being put before this
13 board is that it would devalue the house.
14 There is no proof. If there was an actual
15 comparison, where it's similar to this
16 devalue the surrounding area, and at this
17 point, I haven't seen anything tangible that
18 would suggest that.

19 I understand what their
20 argument is and I understand that it falls
21 within one criteria of this board, but at
22 this point, you know, it's speculation.

23 CHAIRPERSON GRONACHAN: Thank
24 you.

25 MS. KRIEGER: My final concern

0033

1 would be the -- as the city mentioned, the
2 decreased size of 115 by 115, but considering
3 the road be less than that, so that's it.
4 Thank you.

5 CHAIRPERSON GRONACHAN: Thank
6 you. I have a couple of things I would like
7 to put on the record before we get to the
8 questions so we can steer this back around
9 and not get into speculation.

10 First of all, when we were
11 looking at this case, we are given a
12 multitude of information from the building
13 department, via the ordinances, and the
14 zoning of what's going on out in that area.

15 So these board members look at
16 what the size of the lots are on the
17 surrounding area. We look at -- we drive out
18 to the area to see what is in existence. The
19 first time I went out there, I couldn't find
20 the lot.

21 And most of us at this table
22 have a history of where Novi is going. These
23 people that live in the subdivision bought
24 under an assumption that it, it may not be in
25 writing, that on these one acre lots, and in

0034

1 that area, it was zoned that way for a
2 reason. And now we have someone who wishes
3 to build something that doesn't fit in the
4 norm.

5 The residents that live in

9-15-15

6 that subdivision have every right to be
7 concerned. The petitioner has every right to
8 come before this zoning board.

9 We as the board look at the
10 case and determine where there are faults, if
11 you will. So before we go into a five hour
12 argument, I'm going to point out the faults.
13 Then everybody can decide where we are going
14 to go from there.

15 First of all, this petitioner
16 came in front of us with no plans, back in
17 May and said, I have a lot, I want to build a
18 house. We said, okay, but we don't know what
19 size house, we don't know what you want to
20 do, we have no clue, we cannot make a
21 judgment on lack of information, so we sent
22 you back to the table, to do your homework.

23 I have not heard anything
24 different than what I heard in May. I have
25 disgruntled residents. I have a board that's

0035

1 pretty decisive on where they're heading with
2 this.

3 So I usually step in at this
4 point when I seeing it going one way or
5 another. It is not the board's job to
6 provide proof of fact.

7 It is the petitioner's job to
8 present to this board how it's not going to
9 negatively impact the neighborhood.

10 Now, Member Krieger brought up
11 a very good point and I don't want it to turn
12 into a three hour argument. If there is
13 proof on one side or the other that this is
14 going to negatively impact, then I think
15 somebody should present that to this board.
16 We did our homework.

17 I will tell you also, that
18 when you're looking at this plot, and you
19 presented those plans, I'm not happy with the
20 plans that you presented.

21 You presented a plan that
22 doesn't look like it's -- that you gave much
23 thought to, it looks like a carbon copy, if
24 you will, of a house. There is a deck on it.
25 We had to figure out that the deck was not

0036

1 going to be included in the building. We had

9-15-15

2 to figure that out. You didn't tell us that.

3 So I don't feel that you're
4 doing good enough homework to convince this
5 board that a house should go on this a lot.
6 I have safety and -- safety concerns.

7 So now we have got a house on
8 a smaller lot, 72 by 115, and when I said can
9 you build -- a member asked you can you build
10 a smaller house, you said, yes, but you
11 didn't tell me what.

12 And again, it's not up to the
13 board to figure out. So I'm going to call
14 for a vote, or I can ask the petitioner and
15 his attorney -- I'm going to call for a vote
16 or I'm going to ask the petitioner and their
17 attorney if they want to go back to the table
18 and bring substantial proof on why a building
19 should be put on this lot. And please do not
20 use the phrase, this is a buildable lot. I
21 get that. We are willing to hear your case,
22 but we need substantial information. I do
23 not want a cookie cutter house pulled out of
24 a magazine to tell me this is where the house
25 is going to go. If you would like to be a

0037

1 member of Novi, and have your home there, I
2 welcome you.

3 But I need more information.
4 I need fact, I don't need fiction. I need
5 hard core what is it going to look like on
6 this lot that's 115 by 72. I want you to
7 talk to the neighbors. I want you to work
8 with them. I don't care that they're in a
9 subdivision and you're not. You're
10 neighbors, and this is Novi. And this is
11 what we stand for. So we can vote or you can
12 postpone.

13 MR. GEORGE: Give me one second
14 with my client?

15 CHAIRPERSON GRONACHAN: Certainly.

16 MR. GEORGE: First of all, we
17 appreciate the comments. And my client is
18 serious about pursuing this and satisfying
19 this board and also being a good neighbor to
20 everyone.

21 Having said that, we would
22 like to postpone the vote. I would though,
23 if I could, please very briefly, because the

9-15-15

24 record is being created on some things that
25 have been said earlier, if I could just

0038

1 respond to some of this so we can have a
2 complete record of today's hearing, with the
3 understanding, we are coming back and we will
4 have an opportunity go into more detail with
5 whatever questions might exist after we have
6 had an opportunity to do more homework and
7 provide you with more information.

8 CHAIRPERSON GRONACHAN: Okay. I
9 agree with that.

10 MR. GEORGE: Thank you. I will
11 be brief. I'm not looking for a three hour
12 argument here.

13 CHAIRPERSON GRONACHAN: I
14 appreciate that.

15 MR. GEORGE: With regard to --
16 and some of this has already been addressed.

17 For instance, my client did
18 buy this lot he did sell some surrounding
19 lots, but he has not been a developer or
20 builder at any of the lots that surround him
21 at all. That was one issue that was brought
22 up.

23 There was the issue of the
24 expectation of the property owners around my
25 client. I would just like to make it clear

0039

1 that those expectations were not based on any
2 conversation or any communication between my
3 client in any surrounding property owners.
4 I'm not even sure where those expectations
5 came from. I don't know if they perceived
6 anything in writing. I can appreciate the
7 fact they would have that expectation at that
8 lot that they are surrounding a smaller one
9 would not be built on that, that truly was
10 their expectation, but it had no -- it has no
11 direct connection to my client with any
12 property that he sold, he never made that
13 representation to anybody. It's not from any
14 communication that he had with my client, so
15 I want just wanted to make that clear.

16 And again, the main issue here
17 is we don't want to come in and not be a good
18 neighbor. We want to be able to satisfy this
19 board and also do something and hopefully --

9-15-15

20 I'm hoping that just as you had indicated, my
21 client would be reaching out. I hope that
22 that would be mutual, the surrounding
23 neighbors will also reach out to my client
24 and try to work with him with regard to this,
25 too.

0040

1 Having said all, we are
2 prepared to come back at a later date,
3 whatever date has been set to try to address
4 all the issues that need to be addressed.

5 CHAIRPERSON GRONACHAN: Thank
6 you. Board members, do you have anymore
7 questions?

8 MR. BYRWA: Briefly, one of the
9 concerns that I had, if there was any
10 research or anything done on accessibility to
11 the utilities, the city, sewer, water,
12 electric and gas, without going through or
13 over any adjacent properties, you know, on
14 site --

15 MR. STANAJ: I did not check
16 anything.

17 MR. BYRWA: Maybe that's
18 something you can include when you bring back
19 additional information that you wouldn't be
20 using anybody -- any neighbor's property for
21 your utilities.

22 MS. MICHALSKI-WALLACE: There is
23 water and sewer across the street on the
24 north side of Nine Mile, at the entrance to
25 the subdivision, just to the east that could

0041

1 be extended based on the elevations to --

2 MR. BYRWA: You're unsure on gas
3 and electric then?

4 MS. MICHALSKI-WALLACE: I believe
5 gas is across the road. Electric, I have not
6 looked at electric.

7 MR. BYRWA: Thank you.

8 CHAIRPERSON GRONACHAN: Member
9 Sanghvi, did you have a question?

10 MR. SANGHVI: No. I agree with
11 what you just said. If you'd like it to be
12 tabled, that's fine, otherwise we can go
13 ahead and vote on it.

14 CHAIRPERSON GRONACHAN: Thank you
15 for your support.

9-15-15

16 Gentlemen, we are going to
17 table this. I am going to give you 30 days.
18 So I expect that if you would like to accept
19 my 30 day challenge, that would be great. I
20 think that we've dragged this on enough. The
21 fact that we -- you told me that you would be
22 here sooner, then it took another 30 days, I
23 would like to see full plans, this board
24 would like to see full plans of the house,
25 that's dimensions, and I also would reach out

0042

1 to the neighbors in the other subdivision
2 that you're not a member of, but they are
3 going to be your neighbors, okay.

4 And when everybody comes back
5 next month, I want it not to be hostile.

6 So we will see you in
7 October -- what's the meeting --

8 MR. WALSH: Can I make a
9 suggestion.

10 CHAIRPERSON GRONACHAN: Certainly.

11 MR. WALSH: Can we table it to
12 November 10th, due to the -- to provide staff
13 an opportunity to review the information?

14 CHAIRPERSON GRONACHAN:

15 Absolutely.

16 MR. WALSH: I think it's going to
17 take more than 30 days for the applicant to
18 get the information back to us, and just in
19 case we have to readvertise. I want to be
20 able to have the opportunity to do that.

21 CHAIRPERSON GRONACHAN:

22 Absolutely. I just thought
23 that we have a super staff at Novi. That's
24 why I gave you 30 days. But if you would
25 like 60 days, absolutely.

0043

1 Are you in agreement with
2 that?

3 MR. GEORGE: We are.

4 CHAIRPERSON GRONACHAN: So then
5 we will see you in November and no gaps. If
6 the neighbors would like to join us at that
7 point, they're more than welcome. Okay.

8 In Case No. PZ15-0014, this
9 case has been tabled until November 10th. At
10 that time, the petitioner and his attorney
11 and an architect will be bringing back

9-15-15

12 additional information.

13 All those in favor.

14 THE BOARD: Aye.

15 CHAIRPERSON GRONACHAN: So moved.

16 See you in November.

17 Okay. Our next case is Case

18 No. PZ15-0021, Thomas Herzog, of 207

19 Charlotte Street.

20 Mr. Herzog, come on down. The

21 applicant is requesting a use variance from

22 the City of Novi code of ordinances to allow

23 parking of a boat from within the front yard

24 from April 31st -- April 1st to October 31st,

25 sorry about that.

0044

1 And before the petitioner

2 starts, I just would like the building

3 department, if you would, I know I'm out of

4 order here. But if you could clarify the

5 current ordinance for our board members.

6 MR. WALSH: Under the parking or

7 storing of recreational vehicles, say boats,

8 they are allowed not to exceed 72 hours. And

9 that is to provide active loading, unloading,

10 doing some maintenance to the boats by

11 there -- or to the recreation vehicles in

12 their driveway. However, there is a -- for

13 the purpose of the ordinance, there is a

14 clause in there that anything over seven days

15 should be considered a violation of this --

16 of this provision. So that is to include the

17 weekends. So even 72 hours, there might be a

18 day or two that could be a Friday or a

19 Monday, that you don't catch the 72 hours,

20 but basically 72 hours is the max.

21 CHAIRPERSON GRONACHAN: Thank you

22 very much.

23 Mr. Herzog, would you please

24 state your name and then raise your right

25 hand and be sworn in by our secretary.

0045

1 MR. HERZOG: Thank you. My name

2 is Thomas Herzog, T-h-o-m-a-s, H-e-r-z-o-g.

3 MR. IBE: In this case do you

4 affirm or swear to tell the truth?

5 MR. HERZOG: Yes.

6 CHAIRPERSON GRONACHAN: You may

7 proceed.

9-15-15

8 MR. HERZOG: Thank you. As was
9 stated, I have -- I am petitioning to be
10 allowed to park my boat in my driveway during
11 the warm months of the year.

12 As Mr. Walsh explained, the
13 current rule is that it's allowed to be
14 parked in your driveway for up to 72 hours.

15 The part of the ordinance that
16 is difficult for me is that you are allowed
17 to park a boat or a trailer in your side or
18 backyard without that 72 hour variance, or
19 that 72 hour time limit.

20 And my lot, my house is quite
21 different than the last case, is on a very
22 small piece of land, in which I can't -- I
23 don't have access to get a trailer into the
24 backyard or -- and my garage is not large
25 enough to store a boat trailer.

0046

1 So basically if I were to --
2 for me to own a boat and have any ability to
3 keep it at my house, the front driveway is
4 the only place that I could keep it.
5 Especially considering the last case, that's
6 something that most houses in the area, most
7 houses in the city, they have -- they have
8 either a backyard or a side yard or a garage,
9 or something that would be -- you would be
10 permitted to store a boat.

11 Additionally, I guess I'm
12 asking for the warm months of the year. I
13 live in the -- I guess, in the lake area, if
14 you want to call it, of Novi, right in
15 between Shawood and Walled Lake, where it's
16 not -- where both of my -- both of the
17 properties adjacent to mine actually do own
18 lakefront property and driving around
19 Walled Lake, it's just very, very common to
20 see boats and trailers.

21 So in terms of adversely
22 affecting the property or adversely affecting
23 the neighbors, it's something that's -- it's
24 very common, whether it be someone who owns
25 property and the boat is -- you can see it in

0047

1 the water, or whether they're preparing for
2 another launch, or whether it's in
3 surrounding part of their house, in

9-15-15

4 accordance with the ordinance, it's something
5 that's common around the lake area to see
6 boats.

7 I have signed -- in the packet
8 I'm not sure if anyone responded to your
9 official letter, but in the packet, I had
10 signed letters from my closest neighbors
11 stating that they had no problems with me
12 parking the boat there during -- they had no
13 problems with my application, so really
14 that's my case.

15 I believe that it should be
16 something that most people have access to,
17 and I really -- my other options would be to
18 pay for offsite storage, to buy an additional
19 lot or rent an additional lot, which is not
20 available to me.

21 So I guess that is basically
22 all I have to say.

23 CHAIRPERSON GRONACHAN: Thank you
24 very much. Is there anyone in the audience
25 that wishes to make comments on this case?

0048

1 (No audible responses.)

2 CHAIRPERSON GRONACHAN: Seeing
3 none, Mr. Secretary are there any
4 correspondence?

5 MR. IBE: Yes, Madam Chair, there
6 were 26 letters mailed, one letter returned,
7 four approval letters received, zero
8 objection letters received.

9 For the four approval letters,
10 it's a form letter, I presume drafted by the
11 petitioner, and signed by the parties who
12 approved it.

13 The approval reads, "I support
14 my neighbor Tom Herzog in his appeal to the
15 zoning board committee which would allow him
16 to park his boat in his driveway during the
17 warm months of the year. As I live close to
18 Mr. Herzog, this ruling will affect me, but I
19 have no problem with him parking his boat in
20 the driveway".

21 This is a form letter that was
22 signed by the parties who agreed. And the
23 parties who agreed are George Street, who is
24 at 117 Charlotte. And the second party lives
25 at 209 Charlotte, the first name is Amy, not

0049

1 quite -- can't make out the signature for the
2 last name. The third person is Jody
3 Middleton at 123 Charlotte, and the fourth
4 person is Aaron Hern at 307 Duana Street.

5 That is it, Madam Chair.

6 CHAIRPERSON GRONACHAN: Thank
7 you. So we called on the building department
8 earlier. Is there anything else that you
9 would like to add since the petitioner gave
10 his testimony.

11 MR. WALSH: Sure. Just one other
12 item. The lot being non-conforming, he's
13 unable to put it to the sideyard, so the only
14 way he could store it would be the rear yard,
15 just want to clarify that.

16 CHAIRPERSON GRONACHAN: Thank
17 you. Board members? Member Sanghvi.

18 MR. SANGHVI: Thank you. I came
19 and saw your property and it's the boat in
20 your driveway, right?

21 MR. HERZOG: Yes.

22 MR. SANGHVI: It's a very small
23 boat that you are considering and it is --
24 even though you have a small driveway, it
25 doesn't even completely fill the driveway.

0050

1 And considering everything and the weather,
2 and if you want to use it in the summer, it's
3 good to have it next-door to you, so you can
4 use it, so I have really no problem with it,
5 keeping it in your driveway. Thank you.

6 CHAIRPERSON GRONACHAN: Member
7 Krieger?

8 MS. KRIEGER: Question. For the
9 case that we had earlier that is farther down
10 East Lake, they have it in their front yard
11 because the house is really set back. They
12 always have it covered. Would he need to
13 have it covered with a tarp?

14 MR. WALSH: There is no
15 requirements they have the boat covered. Is
16 that what you are asking?

17 MS. KRIEGER: Yes.

18 MR. WALSH: Yes.

19 MS. KRIEGER: Okay. Also if you
20 can't get it to the backyard and it's a side
21 yard, you're risking damage to your boat. As

9-15-15

22 the previous members said, I also have no
23 difficulty with you keeping -- be like having
24 a car, it's a lake lot, boats go in the lake,
25 so it's like having a car, only it's a boat.

0051

1 Thank you.

2 CHAIRPERSON GRONACHAN: Anyone
3 else?

4 MR. MONTVILLE: I have no
5 problems, given the non-conforming layout of
6 the lot, and the lake property, also where
7 the applicant is located on Charlotte Street,
8 it is farther back towards the back of the --
9 I'm not sure what that lake is called across
10 from Walled Lake. So I have no problem
11 supporting this variance request as well.

12 CHAIRPERSON GRONACHAN: Thank
13 you. Anyone else?

14 I hate to be the bad guy. I
15 can't support this. The reason why I can't
16 support it -- first of all, I will tell you
17 that I am a boater. I spend a great deal of
18 time on a lake with the people who have boats
19 in their yards on the weekends and then they
20 take them off and store them during the week.

21 I am not comfortable with
22 going down this road out on that area. I
23 think that we are going to open up a can of
24 worms and not everybody -- not every neighbor
25 in that area is as wonderful as your

0052

1 neighbors, as you saw in the previous case.

2 I mean, what if you get
3 somebody next-door that doesn't want to look
4 at a boat. I can appreciate the hardship.
5 But I struggled with this. I was there on
6 Sunday. I took a walk in the park, at that
7 beautiful waterfront and I came back and
8 walked the street and looked at your house
9 and I saw a big pine tree and clarified that
10 that side lot was not yours. I thought, oh,
11 there could be the out. I mean, I looked --
12 I was out there for about an hour and a half
13 trying to rest my conscience, not so much
14 about you, but what we were doing by changing
15 this ordinance and allowing it during the
16 summer months.

17 I can appreciate that there is

9-15-15

18 convenience. I can appreciate the fact that
19 your lot size is what it is. But you have
20 other alternatives and that would be to store
21 it off -- you know, off your property when
22 you're not using it.

23 I think that we are going on a
24 the slippery slope here. This ordinance
25 stands here for a reason. And it's to

0053

1 protect those houses up here that are
2 lakefront property so they don't have to look
3 at everybody's boats. And I am a long time
4 resident of Novi and I'm well familiar with
5 that area. And I am struggling with this,
6 but with all honesty, if you would like that
7 ordinance to be changed, it has to go through
8 another way, but I'm not comfortable granting
9 the variance for this one and only case.

10 And board members, again, I
11 say this because I think that we are going to
12 open up Pandora's box and then the ordinance
13 is going to have to be get rewritten. I
14 think it should go the other way, if that's
15 the case, but we are not changing the
16 ordinance.

17 And I don't see the hardship
18 especially since he can store it offsite just
19 like every other house in Walled Lake, and
20 you know that there is more than one house
21 out there, that doesn't meet that criteria
22 that's storing that boat someplace else.

23 And I gave this serious
24 consideration, but I will not be supporting
25 your request tonight.

0054

1 Anyone else?

2 MR. IBE: Can I ask a question?

3 CHAIRPERSON GRONACHAN:

4 Absolutely.

5 MR. IBE: Thank you. Thanks,
6 Madam Chair. In light of what has said, I
7 was not going to make a comment before, but
8 is it true that you have -- do you have an
9 alternative way you can store this boat other
10 than your driveway?

11 MR. HERZOG: Currently, I do not.
12 I could rent space from, you know, a --
13 storage lots are available. That's my

9-15-15

14 alternative, to basically purchase another
15 lot where I can store the boat or rent
16 another lot, where I could store the boat.
17 But as of right now, you know, those -- that
18 type of -- that either purchasing or renting
19 that, it's not very cheap.

20 I have actually looked into
21 it, and for something that's large enough to
22 hold a boat, it would be a significant
23 financial impact.

24 MR. IBE: How long have you had
25 this boat?

0055

1 MR. HERZOG: I purchased it
2 earlier this year.

3 MR. IBE: So this is your first
4 year of owning the boat?

5 MR. HERZOG: Yes.

6 MR. IBE: So all this time it's
7 been parked in your driveway since April?

8 MR. HERZOG: Yes, so I'm not
9 exactly sure. I had the boat for maybe two
10 months before being notified that it was --
11 that I was breaking an ordinance. And then
12 after being notified, I took sometime to kind
13 of, I guess, deliberate what I was going to
14 do and then, yeah, so basically, yes, it has
15 been parked there since May.

16 MR. IBE: Could you tell me what
17 do you think is the unnecessary hardship that
18 you will suffer if you don't get this?

19 MR. HERZOG: Unnecessary hardship
20 would be that it -- I would have to either
21 purchase or rent an additional piece of
22 property, which has significant impact to my
23 time and money.

24 MR. IBE: So economic hardship is
25 what you're claiming, sir?

0056

1 MR. HERZOG: Yes, it's both an
2 economic and time impact.

3 MR. IBE: Which is more personal,
4 right?

5 MR. HERZOG: Correct.

6 MR. IBE: Let me just -- matter
7 of question to you, sir, that when we
8 grant -- what you're asking for is a use
9 variance. When we grant, there is some

9-15-15

10 standards that we have to follow. One of the
11 things we have to look at is the issue of
12 hardship. Okay. We also have to look
13 whether or not the condition is not personal
14 or economic hardship, but use based on the
15 word you told me, you told this board, that
16 it's more personal impact and the economic
17 hardship. Based on what I just told you, do
18 you understand how this board will make a
19 decision based on what you have just told us?

20 MR. HERZOG: I really don't. Can
21 you explain. So what type of hardship -- I
22 guess would be clarified what other type of
23 hardship?

24 MR. IBE: It cannot be personal
25 or economic hardship.

0057

1 MR. HERZOG: So --

2 MR. IBE: What you have described
3 to us appears to be somewhat -- someone who
4 just bought a boat, I'm sure it's very nice,
5 everybody wants to get out on the water,
6 however, it comes at some great cost. For
7 example, sir, I would like to own a private
8 jet, but guess what, it costs money, to put
9 it in the hanger, to put fuel -- jet fuel
10 costs money. So I'm not going to just go buy
11 one because I would love to have it and maybe
12 I'll park it in a field at the school,
13 because that way it's doesn't incur me
14 anymore money, or the personal effect of
15 having to go rent a place. That's based on
16 what this is all about. Do you get my --

17 MR. HERZOG: I understand that.
18 I guess, I -- in terms of proving hardship,
19 it's not personal or economic. I don't
20 understand what it may be.

21 MR. IBE: Perhaps you don't have
22 any, that's why.

23 MS. KRIEGER: Can you park the
24 boat in the backyard?

25 MR. HERZOG: No.

0058

1 MR. BYRWA: How far are you
2 missing getting it in the garage?

3 MR. HERZOG: So I have six
4 inches -- in the report I have put the
5 dimensions, but I have six -- the garage is

9-15-15

6 six inches wider than the boat. And the
7 garage is feet shorter than the boat. So
8 it's too long to fit in the garage.

9 CHAIRPERSON GRONACHAN: Do you
10 have any further questions?

11 MS. KRIEGER: If I could add, the
12 non-conforming lot, I would approve it for
13 this petitioner, for as long as he had this
14 boat on this property because it's
15 non-conforming, he can't put it anywhere else
16 and also because of the hardship of the lot
17 plus enjoyment and time. You buy a house on
18 a lake you want to use a boat on the lake, if
19 able, and if you can, that's great and the
20 intent, my guess would be, is if he couldn't
21 then the alternative to get rid of the boat
22 so why have a house on a lake.

23 CHAIRPERSON GRONACHAN:
24 Member Byrwa?

25 MR. BYRWA: I have a tendency to

0059

1 agree with the chairperson on this here. It
2 seems like it could have a tendency to create
3 an enforcement nightmare. When one is
4 granted, things have a tendency to grow and
5 spread and a block or two down that maybe out
6 of your signing range and stuff, well, that
7 guy has it in front, and you could not only
8 look at boats, you could look at RVs and
9 motor homes and things like that being
10 invited to park in the driveway and stuff.
11 And it's just -- I think it will create an
12 enforcement nightmare and it sets a bad
13 precedent. To me, it's kind of a
14 self-created hardship. You probably had the
15 house then bought the boat and then knowing
16 that you probably should have checked the
17 dimensions of the boat to make sure it fit in
18 the garage, but now you didn't -- you
19 self-created the hardship and now you're
20 coming and asking for relief. Which I don't
21 think that's right, so in that respect I will
22 be voting no.

23 CHAIRPERSON GRONACHAN: Do you
24 have anything else to add at this point?

25 MR. HERZOG: Yes, I guess I

0060

1 understand some of the difficulties that

9-15-15

2 would create in patrolling.

3 I would like -- there may be
4 more than one other house on the lake that
5 fits this set of circumstances, but there
6 aren't many, at least driving around in terms
7 of having a garage that is even a one and a
8 half car garage or having access to a
9 backyard, I know that the other houses on my
10 street all meet those qualifications.

11 And now there are only six
12 houses on my street, but it's not something
13 that everyone has an issue with. And, you
14 know, I know that basically it may not make a
15 difference, but for what it's worth, when I
16 purchased the boat, I wasn't aware of the
17 ordinance because it's a very common thing to
18 see boats on the lake.

19 I don't think that anyone who
20 is driving around the lake is going to be --
21 is going to notice that there is a boat there
22 and think that that is something that's out
23 of place, that it shouldn't be there.

24 MR. BYRWA: But generally how
25 that zoning ordinance works is that front

0061

1 setback, forward of the front bearing wall of
2 the house is kind of a sacred area and it
3 gets real delicate when you start bringing
4 your lifestyle out in the front yard for
5 whatever use or whatever and stuff. Like I
6 said, it's kind of an off-limit area, like a
7 sacred area that everybody is required to
8 honor a certain setback and not use it for
9 their own personal, you know, gain or
10 benefit.

11 MR. HERZOG: I do understand
12 that. I just -- I think that in this area,
13 where the houses are already so close
14 together and the lakes are already there,
15 it's a little bit different, it's not quite
16 as sacred when I can look out of my house and
17 see seven other people's backyards, front
18 yards, when you can walk down the street and
19 see into someone's -- see into the lake, into
20 their back yard in their front yard. I think
21 that the -- well, again that's a problem with
22 that ordinance, not the exception, but, and I
23 do think it's a little bit of a different

9-15-15

24 scenario in this area rather than the rest of
25 city, you know, that is my opinion.

0062

1 CHAIRPERSON GRONACHAN: Thank
2 you. Any other comments at this time?

3 MR. SANGHVI: No more comments.

4 CHAIRPERSON GRONACHAN: Do we
5 have a motion? Would someone like to make a
6 motion.

7 MR. IBE: Madam Chair, in Case
8 No. PZ15-0021, 207 Charlotte Street, I move
9 that we deny this variance sought by the
10 applicant because the petitioner has not
11 established an unnecessary hardship.

12 The petitioner has not
13 established a hardship regarding the
14 designation of the property, as the property
15 can be used as zoned.

16 The petitioner stated on the
17 record that he purchased this boat sometime
18 this year so he owned the home first before
19 he bought the boat, and he also said he
20 wasn't aware of the ordinance which certainly
21 is not an excuse because the ordinances are
22 always going to be there.

23 It is the applicant's duty to
24 look for the ordinance when they buy the
25 property, so whatever they intend to use it

0063

1 for, it is not the other way around, for the
2 ordinance to seek you out when you buy
3 personal properties.

4 And the setback of the house
5 is such that the occupant cannot really put
6 the boat in a garage because it's small and
7 cannot get to the back and that it will incur
8 him economic hardship, if he were to store
9 the boat off site, off the property and he
10 will have an impact of not being able to get
11 to this boat when he needs because he lives
12 on a lake.

13 Unfortunately, that did not
14 meet the criteria of hardship under this
15 ordinance.

16 Petitioner has not established
17 unique circumstances or unique physical
18 conditions regarding this property exists to
19 warrant this variance.

9-15-15

20 I must also give some credit
21 that the petitioner's property is a
22 non-conforming lot and we all already know
23 that.

24 However, the ordinance, the
25 way it's written, is meant to protect, one of

0064

1 the members that described, as a separate
2 part of a lot, which is the front yard, not
3 allowing our personal lifestyle to encroach
4 upon that sacred area that is enjoyed by
5 everyone.

6 The variance request is based
7 on petitioner's personal and economic
8 hardship, and by the petitioner's own
9 admission and statement that has been proven
10 and demonstrated today.

11 The proposed use will alter
12 the essential character of the area. Well,
13 this is an area where Madam Chair and other
14 members has also mentioned that granting a
15 variance of this nature will be open
16 Pandora's box; in other words, allowing for
17 more of this, it will become the norm instead
18 of the exception. While it is true that it
19 is a lake area and people, of course, do own
20 boats in the lake area, however, they also
21 must find a way to store it so that it does
22 not affect the ordinance and also makes it
23 easy for the character of the neighborhood to
24 be maintained.

25 Finally the petitioner has

0065

1 created the need for the variance.
2 Unfortunately, petitioner bought the boat, he
3 didn't check the ordinance and didn't
4 understand what the rules are, and simply has
5 other alternatives as to where he can store
6 this boat.

7 Based on the petitioner's own
8 statements, information provided, the
9 conversations that have been had today by the
10 members, as well as the contribution from the
11 building department, I move that we deny the
12 petition.

13 CHAIRPERSON GRONACHAN: It has
14 been moved, is there a second?

15 MR. BYRWA: Second.

9-15-15

16 CHAIRPERSON GRONACHAN: It's been
17 moved and second. Secretary Ramsay, will you
18 please call the roll.

19 MS. RAMSAY: Member Ibe?

20 MR. IBE: Yes.

21 MS. RAMSAY: Member Krieger?

22 MS. KRIEGER: No.

23 MS. RAMSAY: Member Sanghvi?

24 MR. SANGHVI: No.

25 MS. RAMSAY: Member Byrwa?

0066

1 MR. BYRWA: Yes.

2 MS. RAMSAY: Member Montville?

3 MR. MONTVILLE: No.

4 MS. RAMSAY: Chairperson

5 Gronachan?

6 CHAIRPERSON GRONACHAN: Yes.

7 MS. RAMSAY: It's three to three.

8 MS. SAARELA: That means the
9 motion fails so someone will have to move to
10 approve.

11 MS. KRIEGER: It's going to be
12 three to three.

13 CHAIRPERSON GRONACHAN: So the
14 motion failed three to three. So now we need
15 a new motion?

16 MS. SAARELA: The motion fails,
17 so you're left with a motion to approve and
18 see if you get enough votes on that, which in
19 this case would be four votes. If you don't,
20 then the whole thing fails and it's denied.

21 Use variance you have to have
22 two-thirds of the membership.

23 MR. MONTVILLE: I can make a
24 motion at this time.

25 CHAIRPERSON GRONACHAN: Go ahead.

0067

1 MR. MONTVILLE: In Case
2 PZ15-0021, petitioner, Thomas Herzog has
3 proved that with the non-conforming lot he's
4 unable to comply with the ordinance and keep
5 his boat on the side or backyard.

6 The need for this variance is
7 not self-created, due to the non-conforming
8 nature of his lot. Strict compliance with
9 this particular petition, unfortunately it's
10 not plausible, due to the nature of the lot.
11 This is the minimum necessary, he's parking

9-15-15

12 on private property, his private boat his on
13 his private property, it's not extending into
14 the road, it's not extending into any other
15 lots. And this particular variance will not
16 cause an adverse impact to the surrounding
17 neighbors and lots.

18 CHAIRPERSON GRONACHAN: It's been
19 moved. Is there a second?

20 MS. KRIEGER: Second. I'm going
21 to add for this particular case, because of
22 the non-conforming lot and it's for as long
23 as he has the boat and this petitioner is on
24 this property.

25 MR. MONTVILLE: Fine.

0068

1 CHAIRPERSON GRONACHAN: It's been
2 moved and second. Is there any other further
3 discussion on the motion?

4 MR. IBE: Yes, I will like to --
5 based on the motion that's stated by the
6 member, I don't think the motion particularly
7 meets the requirement of the use variance.
8 Some of the motion -- does not tell us what
9 the owner's hardship is. I'm still waiting
10 to hear it.

11 MS. SAARELA: He can make his
12 motion however he wants it. It's for
13 everybody else to vote on.

14 MR. IBE: Very well. I will
15 withdrawal my statement there.

16 CHAIRPERSON GRONACHAN: Thank
17 you. It's been moved and seconded.

18 Ms. Ramsay, would you please
19 call the vote.

20 MS. RAMSAY: Member Ibe?

21 MR. IBE: Absolutely no.

22 MS. RAMSAY: Member Krieger?

23 MS. KRIEGER: Yes.

24 MS. RAMSAY: Member Sanghvi?

25 MR. SANGHVI: Yes.

0069

1 MS. RAMSAY: Member Byrwa?

2 MR. BYRWA: No.

3 MS. RAMSAY: Member Montville?

4 MR. BYRWA: Yes.

5 MS. RAMSAY: And Chairperson

6 Gronachan?

7 CHAIRPERSON GRONACHAN: No.

9-15-15

8 MS. SAARELA: Three to three
9 motion fails, because you would need four
10 votes to approve a use variance.

11 CHAIRPERSON GRONACHAN: So the
12 motion fails, both the votes are failed. You
13 need four yes's for your request to pass.
14 So, therefore, his request fails as well?

15 MS. SAARELA: His request fails.

16 MS. KRIEGER: So he can come
17 back?

18 MS. SAARELA: Only if he had
19 different circumstances to explain.

20 CHAIRPERSON GRONACHAN: At this
21 point, your request has failed. It has not
22 been passed and it's not been denied.

23 If you, for some reason, come
24 up with additional information that you have
25 not yet -- that you have not already

0070

1 presented to this board, then you can
2 re-petition and come before this board again.
3 But at this point, the boat will not be able
4 to be parked from April until October in your
5 driveway.

6 Member Sanghvi?

7 MR. SANGHVI: Thank you, ma'am.
8 I think the order is that he come back when
9 the board is full. We don't have a full
10 board today.

11 CHAIRPERSON GRONACHAN: I
12 understand that, but does he not need more
13 information?

14 MR. SANGHVI: When we have an odd
15 number of members present, it can be tie and
16 it can go on indefinitely. So the order to
17 call him back at the next meeting, when the
18 board -- we have a full board and odd number
19 of members.

20 MS. SAARELA: Well, he could have
21 had the option at the beginning to say that
22 he wanted --

23 MS. KRIEGER: He didn't have that
24 option.

25 MR. SANGHVI: It wasn't

0071

1 mentioned.

2 MS. SAARELA: Isn't it in the
3 rules though that are passed out?

9-15-15

4 MR. SANGHVI: That should have
5 been pointed out by the Chair right at the
6 beginning of the meeting that we don't have a
7 full board.

8 CHAIRPERSON GRONACHAN: It is in
9 our rules and conduct.

10 MR. SANGHVI: I know, but it's
11 still much better to be pointed out.

12 CHAIRPERSON GRONACHAN: I can't
13 point everything out. That's why there is
14 rules and conduct -- with all due respect.

15 MR. SANGHVI: Traditionally we
16 have always pointed that out.

17 CHAIRPERSON GRONACHAN: I agree.
18 So we can table this -- can we now that we
19 already voted and it's been denied.

20 MS. SAARELA: Someone who made
21 the denying motion would have to ask for
22 reconsideration at this point and have it
23 tabled. You have to reconsider the vote, the
24 denial someone that -- someone who voted
25 against the approval, would have to move to

0072

1 reconsider and have to be a revote to table
2 it at this point.

3 One of the people who voted
4 against approval.

5 MS. KRIEGER: Against the denial?

6 CHAIRPERSON GRONACHAN: Do you
7 understand what's going on?

8 MR. HERZOG: Yes.

9 CHAIRPERSON GRONACHAN: Do you
10 want to continue with this, or --

11 MR. HERZOG: I would.

12 CHAIRPERSON GRONACHAN: Okay. We
13 need a member that denied the motion to ask
14 for reconsideration.

15 MR. IBE: I'm sorry. Madam
16 Chair, I think perhaps if I can make a
17 comment.

18 We have the rules for a
19 reason. With all due respect to the
20 applicant, he didn't know there were
21 ordinances when he bought his boat.

22 Similarly, we have rules in
23 here as to how we govern and what goes on in
24 the Zoning Board.

25 When you come before a Zoning

0073

1 Board, you have to understand what the rules
2 are. I know we have to explain things,
3 however it is not -- it is the duty of the
4 party who is bringing the case to know what
5 the rules are, where the options are. I
6 guess I'm more than happy to support
7 anything, but I simply don't think that we
8 should -- after we have this long debate and
9 we have had a vote, we have had a second
10 vote, now we ask to make a move to
11 reconsider.

12 I'm very sorry, I don't think
13 I will be willing to make that motion on that
14 right now. Thank you.

15 CHAIRPERSON GRONACHAN: Member
16 Byrwa, would you like to make that motion for
17 reconsideration?

18 MR. BYRWA: No. I have been in
19 the enforcement business for some 30 years
20 and I have seen how situations and
21 modifications of ordinances have a tendency
22 to proliferate when there is a variance on
23 one and there is not a variance on
24 neighboring or adjacent or surrounding
25 properties. So I wouldn't be in favor or

0074

1 reopening this up.

2 CHAIRPERSON GRONACHAN:
3 Unfortunately, I can't -- I
4 mean, we can't undo what's been done here.
5 And so therefore, your request has failed.
6 That's all. So your boat will be not able to
7 be parked from April to October in front of
8 your property and my suggestion would be to
9 find a place to store it off site.

10 MR. HERZOG: Okay. How much time
11 can I have to find a new place to store it?

12 CHAIRPERSON GRONACHAN: You are
13 going to have to contact Mr. Walsh at the
14 building department and he can advise you
15 because I know there is a violation on hand,
16 which brought you here to begin with. So you
17 will be in touch with him and he can advise
18 you on what time and they will work with you.

19 So contact Mr. Walsh tomorrow
20 at his office and he can set that up. Okay.
21 Thank you.

9-15-15

22 CHAIRPERSON GRONACHAN: In Case
23 No. PZ15-0026, James and Laura Paulk, 24676
24 Taft Road, north of Ten Mile, if you would
25 like to come on down.

0075

1 The applicant is requesting
2 variances from the City of Novi Code of
3 Ordinances for construction of a two-story
4 detached garage in the rear of the property.

5 Good evening, and if both of
6 you are going to give testimony, please state
7 your name, spell it for the secretary, raise
8 your right hand and be sworn in by Member
9 Ibe.

10 MR. PAULK: James Paulk,
11 J-a-m-e-s, P-a-u-l-k.

12 MS. PAULK: Laura Paulk,
13 L-a-u-r-a, P-a-u-l-k.

14 MR. IBE: Do you swear or affirm
15 to tell the truth?

16 MR. PAULK: Yes.

17 MS. PAULK: Yes.

18 CHAIRPERSON GRONACHAN: You may
19 proceed.

20 MR. PAULK: Well, kind of frame
21 the discussion, several years ago we bought
22 an old farmhouse on Taft, and there is unique
23 properties on Taft, they're not consistent,
24 it's not a subdivision. The property is on a
25 little bit more than an acre.

0076

1 The home was built in the late
2 1800s, we are not exactly sure when. We have
3 been pursuing that information. But by the
4 hardware and the fixtures and black glass
5 bottle that we found in the wall when we took
6 it out, put some insulation in, it's
7 somewhere in the late 1870s.

8 What we were trying to do is
9 renovate it. We have put 100,000 into it,
10 since we began renovation. It has new
11 siding, new windows, new roof, new chimney,
12 new kitchen, lot of new things.

13 One of the new things we did
14 was tear down the existing garage. I don't
15 know when that garage was built, we shared it
16 with the local squirrels and it was pretty
17 difficult to keep anything in there.

9-15-15

18 MS. PAULK: If the city would
19 have been able to see it, we probably would
20 have gotten a violation for dangerous
21 structure.

22 MR. PAULK: It was pretty bad.
23 But to know also that garage, when it
24 existed, and we do have pictures of it, we
25 have some historical pictures that came along

0077

1 with the property, there was also a barn up
2 on the hill, if you guys had driven by that
3 property up on the hill was a barn. So when
4 they had that garage, they also had a barn.
5 I'm not asking for a barn.

6 But we are asking for a two
7 story garage, it kind of was an incremental
8 process, if you see that, I don't know if it
9 was in the packet from the -- anyway, that's
10 kind where we started. We did want a work
11 area.

12 We have a Michigan basement in
13 this house, it's not really useable for
14 things like exercise or equipment or stuff
15 like that, and so we wanted a two-car garage
16 so we could park our cars in the garage, and
17 we wanted an area that we could work in, and
18 we also have -- we are grandparents. Our
19 whole family lives in Novi. We have 30 some
20 people over on Christmas, we have tables and
21 chairs, and we store all of that stuff right
22 now it's in the basement. And it's a
23 Michigan basement and it's damp and it's not
24 a good place to put it. So we have got two
25 storage units that we are paying for right

0078

1 now, so I know economic hardships is not a
2 point, but it is a fact.

3 So this is where we started
4 and we went to the builder, and put a gable
5 on the front of this thing, so they give us
6 some space up there and the builder said,
7 sure, I can do that, drew up the plans. He
8 took it to the draftsman to draft it up, and
9 the draftsman said, wait a minute, you know
10 you can only go 19 feet because height
11 restrictions, if it's 14 feet at the mid
12 point of the gable or at the median gable.

13 So he pushed the garage down

9-15-15

14 and he left us a space about six foot wide,
15 you can walk down one side and walk down the
16 other, which was pretty absurd. And he said,
17 if you are going to do anything else, you are
18 going to have to go for a variance. And we
19 said, well, if we are going to go for a
20 variance, the original thing we talked about
21 was pushing this up.

22 So it's really what we are
23 looking for is the two-story version of this
24 where the roof is basically pushed up.

25 We talked to our neighbors.

0079

1 When I looked at the packet, I didn't see
2 responses in there, but our son, who bought
3 our old house on Glenda, responded on
4 Thursday in the mail. So a neighbor approval
5 is required, we can wait because we did talk
6 to all them.

7 You really can't see this
8 garage. The only people that will be able to
9 really see it are the next-door neighbors to
10 the north, the Moores, the Moores have a
11 beautiful property there, and they have no
12 objection to it at all. If it lines up with
13 their driveway, the entrance into the garage.

14 So we have their support, we
15 have everybody else's support, except one
16 individual down the street who can't see our
17 house and can't see the garage, so I'm not
18 sure what the objection was. Whatever it
19 was, it was his objection, that's okay.

20 We did talk to everybody,
21 said, if there is something you want, we can
22 change about it, accommodate you, we would be
23 glad to talk to you about it, try to do that.
24 Nobody had any suggestions, they said, fine,
25 we can't see it.

0080

1 So that's kind of where we are
2 at. We actually have two acres there. I
3 realize that the variance is relative just to
4 the one acre we are on, but we also had the
5 adjoining property back to Glenda as well.

6 We have got 600 feet going
7 back from Taft I have got riding mowers, I
8 have got carts, I have chippers, shredders, I
9 have got big snow blowers, a lot of stuff to

9-15-15

10 maintain that property. I have got a lot of
11 equipment. We are still working on the yard.
12 I got to replace the porch, somebody put --
13 not the whole porch, but the -- somebody put
14 plywood on the porch and I got to bring it
15 back to the spruce that it would have had in
16 the 1880s. So that's kind of our case, and I
17 will take questions.

18 CHAIRPERSON GRONACHAN: Okay.

19 Thank you. Is there anyone in the audience
20 that wishes to make a comment on this case?

21 (No audible responses.)

22 CHAIRPERSON GRONACHAN:

23 Seeing none, Mr. Secretary, is
24 there any correspondence?

25 MR. IBE: Madam Chair, in this

0081

1 case, there were 18 letters mailed, one
2 letter returned, two objection letters
3 received, seven approval letters received.

4 The two objections are
5 letters, the first one is from John Adams,
6 who is at 24630 Taft Road, he says structure
7 would not fit with other buildings and homes
8 in the area.

9 The second objection is from
10 Don -- I'm not sure if it's Seller or
11 Sveller, at 24838 Portsmouth Avenue, "the
12 potential for building to be used as a
13 business site or converted to additional
14 residences on the property".

15 The seven approvals are from
16 Nancy Thompson, Tom and Gina VanHorn, Wendy
17 Mutch, Jason and Tara Culvert, and Anthony
18 Paulk.

19 Would you like me to read all
20 the statements?

21 MS. SAARELA: It's enough to
22 summarize. You can just say they're approvals
23 or denials.

24 MR. IBE: Yes, the seven names I
25 just recited sent the approval for the

0082

1 applicant's request.

2 CHAIRPERSON GRONACHAN: Thank
3 you. Building department?

4 MR. WALSH: No additional
5 comments at this time. Thank you.

9-15-15

6 CHAIRPERSON GRONACHAN: Thank
7 you. Board members. Member Byrwa?

8 MR. BYRWA: On that street, that
9 Taft Road, you mentioned that there were a
10 flavor of different -- I think there is even
11 a sawmill down the street, different
12 occupancies. You know, all of those today
13 are in a category of what they call existing
14 non-conforming lot where as long as it's
15 reasonably maintained and that use is active,
16 it gets to stay there, but should that use be
17 abandoned or it becomes in a state of
18 disrepair, it's expected that that property
19 conform with the current ordinance.

20 The size of the structure kind
21 of alarms me a little bit. The average size
22 garage that a lot of the people have in this
23 area are like a two car attached garage would
24 be like a 200 or 400 square feet. Here we
25 are asking for some over 300 percent over an

0083

1 average size two car garage here.

2 And you have mentioned that
3 you have a lot of things and stuff and
4 everything, and my wife is constantly on me
5 to rid of stuff. The older you get, the more
6 things you kind of hang onto and stuff, but I
7 had a guy mention to me it kind of keeps
8 resonating in my mind, the older you get, and
9 when it comes to the amount of stuff you have
10 in life, and his saying was, that you ain't
11 ever seen a hearse pulling a Uhaul, have you.

12 And yeah, it's nice to have
13 lot of things close to you and everything and
14 stuff. I think I would be a little more
15 receptive with this variance, if you were --
16 kind of you mentioned that the character of
17 the house and everything dates back to the
18 1800s and the structure you took down, if you
19 were presenting like to replace that
20 particular style of architecture, maybe a
21 gable style that associated with the original
22 structure, I'd maybe be a little more
23 receptive to that, but to come in and say, I
24 need a 400 percent increase in the standard
25 garage, you know. Then the second floor, at

0084

1 first I drove by there, I looked, gee, the

9-15-15

2 way that lot is set up, you won't be able to
3 see it from Taft Road. But being in this
4 business for like 30 years, there is a saying
5 that if you can hide it, that's not the
6 answer. And a lot of times people think,
7 hey, I could have junk cars and all this
8 stuff on my property, I will just put up a
9 privacy fence. That is not the answer just
10 because it can't be originally seen from the
11 roadway and stuff, but, you know, those are
12 my comments.

13 MR. PAULK: Those are good
14 comments. You are right, I'm old. That's
15 one of the reasons, we want stairs to the
16 second floor, because we don't want to try to
17 take heavy tables and slide them up.

18 The other thing is that is an
19 acre property, so we have riding mowers. We
20 have bigger equipment. We don't have the
21 option to store it someplace else.

22 MS. PAULK: We don't have the
23 option of getting of the lawnmower and the
24 chipper because we use that weekly. That's
25 not junk. It's equipment to make -- I don't

0085

1 know if any of you drove by. We have got
2 watering bags on the trees. We have replaced
3 junkie trees with new ones that are
4 historically correct.

5 MR. BYRWA: It's still a fairly
6 good size structure.

7 MR. PAULK: It is. But if you
8 look at this structure and you look at it in
9 terms of being compliant would the zoning
10 requirements, even for an R4, which is kind
11 of silly because that's an 80 by 125 foot
12 lot. We can't split this lot. This lot is
13 150 feet wide. It's going to remain 150 feet
14 plus, by 300. It's going to stay that way.
15 So that -- right now it can't be split
16 without coming in and asking for another
17 variance to get 75 foot wide lots.

18 If you look at this -- it's in
19 the packet. When I was talking to the
20 neighbors, I was trying explain it to them.
21 If you look at this, what we have in front of
22 you, we can build a footprint, 23 and a half
23 by 36, 19 feet high. We are asking to build

9-15-15

24 a structure that is 32 feet by 24 feet and
25 it's less than three feet higher. It's less

0086

1 than three feet higher.

2 What that does for us is it
3 gives us a lot more storage, you're right.
4 But I have a Michigan basement where I can't
5 store things. I've got an old house where I
6 have very few closets, and so I can use this
7 storage. We are not going to put a business
8 in there, we are not going to put kids up
9 there, not going to run a kennel. And the
10 Moores, we have a property that looks like a
11 five star resort, wouldn't tolerate anybody
12 that came in after I left.

13 So really I don't think what
14 we are asking for is significant, our
15 neighbors don't think it's -- the neighbors
16 appreciate the fact that we have put that
17 much effort into improving our property.
18 When you maintain something, in my mind, I
19 have lived here 20 years, we lived on Glenda
20 when we bought this place. And we have
21 bought four properties actually in Novi at
22 the same time.

23 So we are not new to this. We
24 have maintained some of the character of
25 Novi, we have improved that property. I have

0087

1 put a lot of money in there and I don't want
2 to put a contemporary two car garage in there
3 to try and match it with the house.

4 So that's what we are doing.
5 I think it's legitimate. I don't disagree
6 with it. But in this case, I think it fits.
7 There is not a whole bunch of one acre
8 properties along there where other people are
9 going to over run and say, I got an 1850
10 garage and I want to put a two story garage.

11 CHAIRPERSON GRONACHAN: Member
12 Krieger?

13 MS. KRIEGER: I really like your
14 presentation that you put in here.

15 MR. PAULK: I got a better one
16 actually.

17 MS. KRIEGER: I did want to --
18 since we don't have a full board, did you
19 want to maybe table this?

9-15-15

20 MR. PAULK: No, I don't think so.

21 MS. PAULK: We are waiting to
22 start building. We want to get it done
23 before winter because we want it done.

24 MR. PAULK: Let me ask you -- you
25 said is there is a reason we want to table

0088

1 it. I don't have any. Is there --

2 MR. BYRWA: The only reason is
3 that there is not a full compliment of board
4 members and --

5 MR. PAULK: The board made the
6 rules -- I can rely with the six. I think
7 that we have a good case here. I think this
8 is not a typical house. I don't think that
9 people -- neighbors are going to run in and
10 say I want this same type of variance. I
11 have got an 1850 house. It's hard to build
12 an 1850 house.

13 MS. PAULK: The other part, I was
14 going to go around the city and take pictures
15 of garage doors that were open where cars
16 couldn't park in the garage.

17 MR. PAULK: We thought we would
18 have a privacy issue --

19 MS. PAULK: We were worried about
20 invading people's privacy if they saw it on
21 TV, like, oh, my God, they're using my
22 garage.

23 MR. PAULK: This is part of the
24 master plan, a side entry garage. That's
25 what we have got here is a side entry garage,

0089

1 we want enough space so that we can park our
2 cars in there so --

3 CHAIRPERSON GRONACHAN: Let the
4 board continue with their questions. Do you
5 have anything else?

6 MS. KRIEGER: Thank you.

7 CHAIRPERSON GRONACHAN: Anybody
8 else?

9 MR. IBE: Yes, Madam Chair.

10 CHAIRPERSON GRONACHAN: Member
11 Ibe.

12 MR. IBE: Madam Chair. Just
13 quick comment. I think a few months back
14 there is a home on -- I think it's on Nine
15 Mile between Nine Mile -- the gentleman

9-15-15

16 had -- was going to build a garage, similar
17 to this structure here, big, wanted to park
18 what I considered to be a bus in it, and it
19 was discharged. And we didn't think it was
20 pleasant for the neighborhood. It was
21 just -- the structure was just too big, good
22 intent, but the structure was just too big.
23 So if that is a precedent that
24 I have to follow, unfortunately, it will not
25 be in your favor, if I was to cast a vote

0090

1 tonight. Thank you.

2 MR. PAULK: I'm not parking a
3 bus.

4 CHAIRPERSON GRONACHAN: I'm going
5 to put my comments on the record.

6 I was out to your house on
7 Sunday, you guys weren't home. We could have
8 had coffee.

9 MS. PAULK: We did that, I'm
10 making the Daughters of the Revolution
11 stop -- I'm sorry, I'm getting off topic.

12 CHAIRPERSON GRONACHAN: That's
13 okay. We could have talked about that over
14 coffee. I like the back patio, the new
15 cement.

16 My question, there is -- when
17 you go up the driveway there is an old
18 building right there, the shed, is that
19 coming down?

20 MR. PAULK: Yes, we can get rid
21 of that.

22 CHAIRPERSON GRONACHAN: That is
23 coming down, okay.

24 So Sunday was a big day of
25 struggle, I should have gone to church before

0091

1 I went to look at the cases. Because when I
2 looked at your property, I understand that
3 you have a lot of acreage, and it's very open
4 back there and hilly, as you said, and the
5 house is absolutely gorgeous and you can see
6 that you did a lot of work on it.

7 But again it goes back to we
8 can't make our decisions on emotion. We have
9 to look at what the ordinance is.

10 So my struggle with this was
11 the size of the garage. And after I

9-15-15

12 justified in my mind, I went back and I
13 reread the case and your presentation and in
14 terms of the need for it, and the need being
15 that there is no basement, the uniqueness of
16 the house, the age of the house, the fact
17 that there no storage. I have lived in a
18 farmhouse for many years, so I can appreciate
19 that. I don't have a problem with the size,
20 in this particular case, based on that size
21 of your lot and the location of where the
22 garage would be, okay. So I'm stating those
23 things specifically for a reason. And
24 also -- but I do have a problem with the
25 height.

0092

1 So is there something that you
2 can do so we are not exceeding these height
3 requirements?

4 MR. PAULK: Well, the only thing
5 I really do on that, is go back to the mean
6 of the gable. So if the mean of the gable --
7 the mean of the gable in your definition is
8 14 feet.

9 So if you have a gable roof,
10 the height, the height is a defined term,
11 which a gable roof in association with the
12 meaning of the gable, and so the mean of the
13 gable cannot exceed 14 feet.

14 I'm not sure if there would be
15 some way someone could adjust that pitch of
16 that roof to a ten, 12 to give you a wider
17 space up on top and still make the gable long
18 enough to keep the mean at 14 feet.

19 CHAIRPERSON GRONACHAN: Again, he
20 spoke of this earlier, our job is to make
21 sure that, you know, we are following the
22 ordinances, and that there is a least amount
23 of ordinance -- or least amount of variances
24 requested.

25 And based on my previous

0093

1 statements for the size, Member Ibe was right
2 in regard to the gentleman that was
3 requesting a garage, but there was concern
4 and there were some objections and that was a
5 different case.

6 In this case, after walking
7 your property, I can understand the need. I

9-15-15

8 lived on a farm. I understand and I have
9 lived in a house with no basement. I
10 understand the need for space for a tractor
11 and chipper and --

12 MR. PAULK: We got them all
13 sitting in the yard. Yo probably saw them.

14 CHAIRPERSON GRONACHAN: With
15 Michigan winters you have got to have
16 storage. That's why I can't justify the
17 height.

18 MS. PAULK: Well, when --

19 CHAIRPERSON GRONACHAN: Hang on.
20 I'm going to hang onto the rest to hear what
21 the rest of the board members say. But I
22 would like -- I will let you mull over that
23 while we listen to the rest of it. I don't
24 believe that in looking at this building that
25 it's your intent to build a building for

0094

1 business. I don't believe that this building
2 is going to be used for anything else. There
3 is not going to be living quarters, there is
4 not going to be renting out for an apartment.

5 You spoke of the width of the
6 property, 150 by 150, any way you look at it,
7 unless they come to the back of the property,
8 but you don't have that -- there is nothing
9 on any master plan that's going to change the
10 division of this property for future use.

11 So anyone that purchases this
12 property even in the future, once you decide
13 that you are tired of your tractor, like I
14 got tired of it, then you have a large piece
15 of property and the garage fits in with the
16 use of the property and the neighborhood.

17 The objections to the
18 neighbors, I'm not quite sure what the
19 objections are.

20 Again, I agree with Member
21 Byrwa's theory that if you can't see it, it's
22 okay. But that's not how we work here.

23 And that's why I did, you
24 know, get out and walk and try to get a feel
25 for the property and moving on acreage and

0095

1 being with horses and a barn, I built my barn
2 and everything else, so I come from that
3 background.

9-15-15

4 And I understand completely,
5 but I also understand the need for the size
6 of this building.

7 And the uniqueness is all
8 those things that I just stated. The size of
9 the lot, the fact that it's never going to be
10 split, the fact that there is no storage in
11 the house.

12 You spoke -- you indicated
13 what your specific use is, that there is not
14 going to be any business. So those are my
15 comments and I wanted to cover all of that
16 for the board especially.

17 Is there anyone else that
18 would like to offer anything else?

19 Member Montville?

20 MR. MONTVILLE: Just real quick.
21 That was my concern, too, about the
22 self-creation of the variance, by agreeing
23 with the additional lot, initial acre that we
24 have and their lack of the basement. The
25 size of the structure is not an issue, but if

0096

1 we could find a way to limit the amount of
2 the variances that we have to grant, I don't
3 think we would be that far away from the
4 height situation as well.

5 That's all I have. Thank you.

6 CHAIRPERSON GRONACHAN: Thank
7 you. Member Sanghvi?

8 MR. SANGHVI: I came and saw your
9 property and I absolutely empathize with your
10 situation. And I think if you want to keep
11 the senior citizens in this town, we need to
12 look at it with a different proposition and
13 they require more space and rider mower, we
14 aren't doing the lawn mowing by hand anymore
15 or removing the snow by our hand ourselves.
16 We have to be a little more empathetic with
17 their needs, and I think their needs right
18 here. I have no hesitation in supporting
19 your application. Thank you.

20 MR. PAULK: Thank you. I do want
21 to say that height variance is the less than
22 three feet. The height difference between a
23 garage that is in complete compliance, which
24 was this one at 19 feet with a 14 foot mean
25 height to the gable, Tom can help us with

0097

1 that, I think, is actually 19 feet high.
2 What we are asking for here is less than
3 three feet higher. In fact, it's also
4 shorter than 36 feet. It's 32 feet.

5 So if you're standing in the
6 Moores' property, which is the only one that
7 would see it, but I would also suggest that
8 if that spruce tree dies and is taken down,
9 and you have the beautiful garage there that
10 matches up to the house, it still improves
11 the property, you have still improved the
12 neighborhood.

13 But it's still -- that
14 variance is still less than three feet in
15 height. It's the difference between the
16 gable like this and bringing the roof up like
17 this. So height-wise it's just not much. I
18 guess I could make it three feet shorter, but
19 height-wise could be quite a bit because I
20 would be down to four foot or five feet.

21 CHAIRPERSON GRONACHAN: I have a
22 question for the building department.

23 It's been a while since I
24 built a garage, and with this three feet
25 variance, so are there other alternatives

0098

1 that my lack of experience may not be seeing
2 that we could avoid a height variance?

3 MR. WALSH: Just to -- yes, you
4 make it similar to that. You can actually do
5 some reverse gables. It will take away from
6 the square footage above or it could go with
7 maybe a six foot or a five foot plate height
8 on the second floor, have an eight, 12 or a
9 10, 12 pitch on the roof and bring his eave
10 down with a wider overhang, and with a
11 cathedral ceiling inside, give him his height
12 and useable area up above, and it would
13 reduce the overall height. Would they still
14 need a variance, I believe so, but it would
15 be a reduced variance in the height.

16 CHAIRPERSON GRONACHAN: So we
17 would still need a height variance at that
18 point, but there is -- with this building
19 there really isn't anything else that he can
20 could do to get away with not asking for a
21 height variance. One comes with the other,

9-15-15

22 that's what I want to --

23 MR. WALSH: The overall height
24 would still be at 21 feet nine inches. But
25 you would have less cubic content, less bulk

0099

1 up there as far as a two story -- more in
2 compliance than the one that's on the
3 monitor.

4 CHAIRPERSON GRONACHAN: The one
5 that's on the monitor is not the one you're
6 building?

7 MR. PAULK: The one that is on
8 the monitor, in terms of the -- it's not the
9 one I'm building. If you look at the garage
10 door and the two doors to the side it is, but
11 the roof is raised up, maybe I have something
12 that might present that better. I don't
13 know.

14 MR. WALSH: So the one on the
15 monitor, is it code compliant?

16 MR. PAULK: That's code
17 compliant.

18 CHAIRPERSON GRONACHAN: So this
19 garage right here is 850 square feet?

20 MR. PAULK: It's actually a
21 little less, 768 I think. I think this is in
22 your packet. But that gets the mean height
23 of the gable, and then what we are asking for
24 just raises the roof up.

25 CHAIRPERSON GRONACHAN: It

0100

1 increases the square footage, that's what's
2 increasing the square footage to the double
3 in the square footage. So it's the two story
4 part that is doing this. Okay. I got it. I
5 got it. I'm sorry.

6 MS. PAULK: If I can add in, the
7 Moores' property to the north of us, their
8 property height, their driveway is, I want to
9 say, a good four or five feet higher than
10 our --

11 MR. PAULK: It's several feet and
12 the house is quite tall.

13 MS. PAULK: You probably noticed
14 the height difference if you were in the
15 backyard.

16 CHAIRPERSON GRONACHAN: Just for
17 clarification on the record. We are just

9-15-15

18 doing our due diligence, making sure that
19 there is not a lesser variance to obtain.

20 MR. PAULK: What we are trying to
21 do is maintain the value of the property,
22 this goes to the house.

23 MS. PAULK: We have tried several
24 different drawings and pictures and roof
25 pitches. We've been working all summer on

0101

1 it.

2 CHAIRPERSON GRONACHAN: I have
3 nothing more. Does anyone else have
4 anything? Would anyone like to entertain --
5 I would like to entertain a motion maybe.

6 MR. MONTVILLE: Madam Chair, I'm
7 prepared to make a motion.

8 CHAIRPERSON GRONACHAN: Member
9 Montville, go right ahead.

10 MR. MONTVILLE: In Case
11 PZ15-0026, I move that we grant the variance
12 sought by the petitioners, James and Laura
13 Paulk.

14 The unique situation that they
15 have encountered, is the additional lot to an
16 older building that they live in with no
17 basement, so they have limited storage to
18 keep the inventory that they require to
19 maintain their lot and the additional lot
20 they own.

21 For those reasons, this
22 request for these two variances are
23 self-created. Strict compliance with the
24 ordinance would prevent the homeowners from
25 properly maintaining their land and properly

0102

1 maintaining the property values.

2 They had established that this
3 is the minimum necessary variance, both are,
4 size-wise and also the height given the
5 logistics and the engineering of the building
6 they have proposed, in this particular
7 instance, the variance requested would not
8 cause an adverse impact to the surrounding
9 properties.

10 MS. KRIEGER: Second.

11 MR. SANGHVI: Second.

12 CHAIRPERSON GRONACHAN: It has
13 been moved and double seconded. Is there any

9-15-15

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further discussion?
(No audible responses.)
CHAIRPERSON GRONACHAN: Seeing
none, would you please call the roll,
Ms. Ramsay.
MS. RAMSAY: Member Ibe?
MR. IBE: Yes.
MS. RAMSAY: Member Krieger?
MS. KRIEGER: Yes.
MS. RAMSAY: Member Sanghvi?
MR. SANGHVI: Yes.
MS. RAMSAY: Member Byrwa?

0103

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MR. BYRWA: Yes.
MS. RAMSAY: Member Montville?
MR. MONTVILLE: Yes.
MS. RAMSAY: Chairperson
Gronachan?
CHAIRPERSON GRONACHAN: Yes.
MS. RAMSAY: Motion passes six to
zero.

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CHAIRPERSON GRONACHAN:
Congratulations. You're the
first people that we could say yes to
tonight.
MS. PAULK: We did our homework.
CHAIRPERSON GRONACHAN: Yes, you
did. Good luck and please see the building
department.

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We are going to entertain a
short break. We will be back here at 8:55.
(Short recess taken.)
CHAIRPERSON GRONACHAN: I'd like
to call the Zoning Board of Appeals meeting
back to order, and with that, we will call
Case No. PZ15-0028, David Schroeder at 23750
Heartwood, Mr. Schroeder here this evening
and he is requesting to allow construction of

0104

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a 944 square foot detached garage in the rear
of his property.
Will you please both state
your name and if you are going to give
testimony, raise your right hand and be sworn
in by our secretary.
MR. SCHROEDER: Dave Schroeder,
23750 Heartwood.
MS. SCHROEDER: Gala Schroeder,

9-15-15

10 that's G-a-l-a, also on Heartwood.

11 MR. IBE: Do you swear or affirm
12 to tell the truth?

13 MR. SCHROEDER: Yes.

14 MS. SCHROEDER: Yes.

15 CHAIRPERSON GRONACHAN: You may
16 proceed.

17 MR. SCHROEDER: I'm looking to
18 build a detached garage, additional storage.
19 House was built in '59, same storage, we have
20 got no basement, no storage. I have no
21 outside shed for any of my equipment. You
22 know, lawn, yard equipment. I have vehicles
23 and I have a trailer and I'd like to put them
24 in the garage, for both safety and
25 appearance. Can't think of anything else.

0105

1 CHAIRPERSON GRONACHAN: Anything
2 else?

3 MR. SCHROEDER: Other than the
4 garage we have now doesn't fit the vehicles.
5 Vehicles are longer and the garage is
6 shorter.

7 CHAIRPERSON GRONACHAN: Okay. Is
8 there anyone in the audience that wishes to
9 make comment on this case?

10 (No audible responses.)

11 CHAIRPERSON GRONACHAN: Seeing
12 none, is there any correspondence?

13 MR. IBE: Yes, Madam Chair.
14 Twenty letters mailed, zero letters returned,
15 one objection letter received, two approval
16 letters, one from the homeowners association
17 approval. The two approval letters that we
18 have is from the president of the homeowners
19 association, John Kuenzel. And he pretty
20 much states that the homeowners gave
21 approval, if the applicant meets the
22 following conditions. "One, at least a half
23 permanent wall is added on the west side of
24 slab proposed for the east side of the
25 building. Such wall can have six feet space

0106

1 at the bottom to avoid mold and wood rot.
2 Car ports are not permitted in Echo Valley.
3 Two, the garage must be architecturally
4 compatible with your house on same property,
5 similar grade siding and roofing. And three,

9-15-15

6 all City of Novi codes and ordinances are
7 complied with."

8 This second approval is from
9 Clarice Ronk and she simply says, "I have no
10 objection" and Clarice is at 48251 Rushwood.

11 And the sole objection we have
12 will be read by our Madam Chair.

13 CHAIRPERSON GRONACHAN: The sole
14 objection is written by Colleen, and I
15 believe it's H-e-a-n-n or could be H-e-a-m,
16 from 23820 Heartwood in Novi.

17 "My current property line
18 includes a vibrant, healthy 10-foot high two
19 line for privacy. My concern is that any
20 structure will -- any structure may
21 negatively affect their health. In addition,
22 the root structure of my healthy,
23 well-established maple trees close to the
24 property line may be impacted by the
25 extensive digging. Currently the proposed

0107

1 seven foot distance to this new structure is
2 three foot less than the 10-foot minimum
3 distance that I understood to be the Echo
4 Valley code from the side property line, upon
5 my 1992 residency. Since I am not
6 knowledgeable how much shade the building
7 will cause on the tree line, only seven feet
8 away or more or how the extensive digging
9 will affect the root system off my healthy
10 maple trees. I am objecting to the placement
11 of this new structure in such close proximity
12 to my trees that provide me privacy. Should
13 this construction go forward, my expectations
14 is that the health of my trees be preserved."

15 MR. SCHROEDER: I would like to
16 say a couple of things.

17 CHAIRPERSON GRONACHAN: Hang on.

18 MR. SCHROEDER: The one --

19 CHAIRPERSON GRONACHAN: Sir, you
20 will have a minute. Let me go through a few
21 other things, then we will be back. You will
22 have a chance to address that, okay.

23 Thank you. Is that --

24 MR. IBE: That's it, Madam Chair.

25 CHAIRPERSON GRONACHAN: Building

0108

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department?

9-15-15

2 MR. WALSH: No comments at this
3 time.

4 CHAIRPERSON GRONACHAN: Board
5 members? Member Sanghvi.

6 MR. SANGHVI: Thank you, Madam
7 Chair. I came and saw your property last
8 Friday, and looked around, and to be quite
9 honest, as I said in the previous case, I
10 understand the need for the storage space.

11 And we need a lot of storage
12 space to keep riding mowers and snow removal
13 and all other things so I have no hesitation
14 in recommending that we accept this. Thank
15 you.

16 CHAIRPERSON GRONACHAN: Member
17 Krieger.

18 MS. KRIEGER: You wanted to
19 address what the letter was about?

20 MR. SCHROEDER: First thing is
21 that you have a couple other letters that
22 were in the previous file. The VanHorns that
23 was an approval for me and Willis. You gave
24 those out in a previous --

25 MS. SCHROEDER: The case before
0109
1 ours.

2 MR. SCHROEDER: They were in the
3 wrong file. Thomas VanHorn was in the last
4 file.

5 CHAIRPERSON GRONACHAN: For David
6 Schroeder?

7 MR. SCHROEDER: They are our
8 neighbors.

9 MS. KRIEGER: Regarding the
10 trees, could you address the construction?

11 MR. SCHROEDER: I can't really
12 address the trees. I don't know if you have
13 seen the neighbor's yard. The neighbor and I
14 have been in a little squabble over the care
15 of her yard. I have a picture of it right
16 here. And I don't wish my yard to look like
17 this. She's rather upset with me, which I
18 understand, because I have been to the city a
19 number of times about her cleaning up her
20 yard. These pictures were taken yesterday.
21 She has got vehicles in her driveway with
22 flats, a boat and a trailer in the backyard
23 that's been there for years.

9-15-15

24 MS. KRIEGER: When you construct
25 your garage, and they come in with the -- I
0110

1 don't know if it's a bulldozer or a bobcat,
2 are they going to be interrupting the roots
3 of the trees?

4 MR. SCHROEDER: I couldn't tell
5 you how far, but we will be -- I sent a copy
6 of the survey. Just had my property
7 surveyed.

8 MS. KRIEGER: Okay. That's what
9 I was asking.

10 MR. SCHROEDER: We are talking
11 eight foot foundation.

12 MS. SAARELA: I just want to
13 point out, there is no request for a variance
14 from the setbacks, so he's within the lawful
15 distance from the side yard.

16 MS. KRIEGER: We were talking
17 about seven and a half feet.

18 MS. SAARELA: Right, so the seven
19 feet, that's the lawful distance. He's not
20 asking for a setback or variance. So her
21 objection is sort of not relevant to what
22 he's asking for.

23 MR. BYRWA: I don't think the
24 neighbor's trees have a legal right, their
25 roots have a legal right to someone else's
0111

1 property. I know how it works above grade is
2 that anything coming over the fence or
3 property line you have the right to clear it
4 or cut it or whatever, when it comes onto
5 your property, but as long as you're within
6 the setbacks, there is no -- I don't believe
7 there is a legal right where the neighbor's
8 roots of their trees has a right to your
9 property.

10 MR. SCHROEDER: I talked to every
11 other neighbor, talked to the homeowners
12 association. We put on there what he
13 expects. You can see that that is on the
14 drawing, on the plans. So I am willing to
15 cooperate with anyone I can. Like I say, we
16 have pictures of the neighbors, her and I
17 have been in a little disagreement over that
18 for years. If you have been to out my house,
19 you saw her house.

9-15-15

CHAIRPERSON GRONACHAN:

Mr. Schroeder, we would like to just address her concerns in the letter. These other issues are out of our realm for this evening, if you don't mind. It's unfortunate, if there is a disgruntled

neighbor and makes statements for the wrong reasons. But I would like to continue with my board this evening and questions to address in the matter before us.

MR. SCHROEDER: Sure.

CHAIRPERSON GRONACHAN: Member Krieger, did you have any further questions?

MS. KRIEGER: No, that's it.

Thank you.

CHAIRPERSON GRONACHAN: Member

Ibe?

MR. IBE: Yes. Sir, your homeowners association letters and conditions, have you met those?

MR. SCHROEDER: Yes, they are on the drawings. That was one of the things I did. Here's a couple of pictures of some other homes in the neighborhood, detached garages. I talked to them to find out what they did for the neighbors, or how they dealt with the homeowners, so I went over and talked to the homeowners. Again, we have their blessing providing that we do what they asked and that is on the drawings.

MR. IBE: Okay. Keeping in line

with being consistent and fair, I think the last case we had before you, I think the facts here are very, very similar. They had no basement, was a Michigan basement, no storage. And I think that what is fair is fair, I will vote for this simply because I voted for the last one. Not because I completely agree with your whole plan itself, but I think that once we go down this area, it's setting an area -- we have to be consistent and consistency means fair. I'd like to be fair to you as well. So I will definitely support this.

MR. SCHROEDER: I appreciate that.

9-15-15

16 MR. IBE: Thank you.

17 CHAIRPERSON GRONACHAN: Anyone
18 else?

19 MR. MONTVILLE: Quick question
20 for the city attorney. If since the
21 correspondence that came is part of the
22 record, would we be in the right to put a
23 condition that the city would not be liable
24 if something -- if anything were to ever
25 happen to the trees, hypothetically the

0114
1 neighbor would --

2 MS. SAARELA: No, I don't think
3 that it's really a condition that we would
4 put on this because what her objection is has
5 really more to do with a setback variance.
6 There is no setback variance being requested
7 here. He's within the distance from her
8 property line that he should be. So the
9 connection to her objection to the requested
10 variance, there is no objection. When you're
11 requesting to put a condition on something,
12 it has to be related to the issue caused by
13 the requested variance.

14 MR. MONTVILLE: Thank you.

15 CHAIRPERSON GRONACHAN: I do have
16 a couple of questions. I, too, was out
17 there, and to be honest, I didn't even notice
18 the neighbor's house because you're kind of
19 on a corner lot.

20 MR. SCHROEDER: No, the corner
21 lot is the VanHorns, they gave us their
22 approval. The other neighbors are the ones
23 north. She is north of us.

24 CHAIRPERSON GRONACHAN: All
25 right. Your driveway -- the garage would go

0115
1 at the end of the driveway.

2 MR. SCHROEDER: The driveway,
3 right into the garage.

4 CHAIRPERSON GRONACHAN: I'm glad
5 that you clarified, it was not in your packet
6 that your garage, your current garage
7 attached to the house cannot house your
8 vehicles, due to the change in the vehicles.
9 So I think that's important especially
10 when -- if you watched this little bit,
11 again, I reiterate this over and over again,

9-15-15

12 we need to find criteria to meet, you know,
13 the request for the variances.

14 And even though the previous
15 speaker said he wants to be consistent, I
16 still look at each case meeting the criteria.

17 In other words, I don't do a
18 blanket acceptance just because everybody
19 wants to build a garage.

20 MR. SCHROEDER: I understand.

21 CHAIRPERSON GRONACHAN: So having
22 said that, I believe that you have met the
23 criteria. I believe that adding the fact
24 that the garage can no longer house your
25 vehicles, is very important. And times have

0116

1 changed. Garages are not as big, vehicles
2 are a lot bigger.

3 And that really saved you with
4 me, for the first night. I was sitting on
5 the fence, I will be honest.

6 So based on that, I think that
7 this is a minimum request, because you're not
8 asking for, you know, 3,000 square foot
9 garage. I think that it will fit in -- I
10 know the question I want to ask, there is
11 trees in the back, are there not?

12 MR. SCHROEDER: Correct, there is
13 just a pine tree back there.

14 CHAIRPERSON GRONACHAN: That tree
15 is coming down?

16 MR. SCHROEDER: The pine tree
17 will have to come down.

18 MS. SCHROEDER: We are trying to
19 have it moved on the property someplace.

20 MR. SCHROEDER: I'm trying to get
21 that moved up to the front yard if I can. If
22 I can find somebody to do it reasonably.

23 CHAIRPERSON GRONACHAN: I'm a
24 little busy. I don't think I can help. My
25 shovel is broken, but I wish you luck on

0117

1 that. That's a good move.

2 Having said that, I have
3 nothing further and I would entertain a
4 motion.

5 MR. MONTVILLE: Madam Chair, I am
6 prepared.

7 CHAIRPERSON GRONACHAN: Member

9-15-15

8 Montville, we were waiting.

9 MR. MONTVILLE: In Case
10 PZ15-0028, I grant that we -- bear with me.
11 I grant that we move to grant the variance
12 requested by the applicant, David Schroeder,
13 on his unique circumstance, and this
14 situation is due to his lack of lower
15 storage, his outdated garage and the property
16 needs to hold the inventory he needs for
17 proper storage on his land.

18 It's not self-created for the
19 same reasons I just mentioned. Strict
20 compliance with the ordinance as it relates
21 to the zoning and his property would prevent
22 him from properly maintaining the parking of
23 his vehicles and also his storage
24 requirements.

25 He has provided us the minimum

0118

1 necessary, anything less would prevent him
2 from the proper use of his property, in this
3 case, we have established will not cause an
4 adverse impact on the surrounding neighbors
5 also noted by the applicant's compliance with
6 the homeowners association and the
7 requirements they have set forth for
8 Mr. David Schroeder. So moved.

9 MS. KRIEGER: Second.

10 CHAIRPERSON GRONACHAN: It's been
11 moved and seconded.

12 Question for the city
13 attorney. The specifications by the
14 homeowners association, do they have to be
15 part of this motion?

16 MS. SAARELA: No.

17 CHAIRPERSON GRONACHAN: It's been
18 moved and seconded, is there any further
19 discussion?

20 (No audible responses.)

21 Seeing none, Ms. Ramsay would
22 you please call the roll.

23 MS. RAMSAY: Member Ibe?

24 MR. IBE: Yes.

25 MS. RAMSAY: Member Krieger?

0119

1 MS. KRIEGER: Yes.

2 MS. RAMSAY: Member Sanghvi?

3 MR. SANGHVI: Yes.

9-15-15

4 MS. RAMSAY: Member Byrwa?

5 MR. BYRWA: Yes.

6 MS. RAMSAY: Member Montville?

7 MR. MONTVILLE: Yes.

8 MS. RAMSAY: Chairperson

9 Gronachan?

10 CHAIRPERSON GRONACHAN: Yes.

11 MS. RAMSAY: Motion passes six to
12 zero.

13 CHAIRPERSON GRONACHAN: Happy
14 building. Congratulations. Thank you.

15 Our next case is Case No.
16 PZ15-0030, Bruce -- and I apologize if I'm
17 not pronouncing this right, Mette -- would
18 you please come down. 1361 East Lake Drive,
19 west of Novi Road.

20 The applicant is requesting a
21 variance to allow reconstruction of his
22 existing home, with a lower level addition
23 over an existing foot and front yard deck on
24 an existing non-conforming parcel.

25 Thank you for your patience

0120

1 this evening. We don't normally run this
2 way, this long. We have a reputation of
3 being speedy, but not tonight.

4 Would you please state your
5 names if you are both going to give
6 testimony. Spell it for the secretary and be
7 sworn in by Member Ibe.

8 MR. METTE: My name is Bruce
9 Mette, B-r-u-c-e, M, as in Mary, e-t-t-e.

10 MS. METTE: My name is Toni
11 Mette, T-o-n-i, Mette, M-e-t-t-e.

12 MR. IBE: Do you swear or affirm
13 to tell the truth?

14 MR. METTE: Yes.

15 MS. METTE: Yes.

16 CHAIRPERSON GRONACHAN: You may
17 proceed.

18 MR. METTE: My wife Toni and I
19 are requesting a variance to a 735 square
20 foot home that we own on East Lake Drive. We
21 are proposing to raise the existing house,
22 remove the existing crawl space and replace
23 the crawl space moving it back seven feet.
24 We then will build a new first floor with
25 nine foot walls and set the existing house on

0121

1 the new first floor, creating a two-story
2 home. We will then renovate the interior
3 with a new deck off the second floor coming
4 out approximately seven feet. With moving
5 the house back we will be at the 25-foot
6 setback. We will then be at 18 feet when we
7 add -- when we add the new deck, which will
8 be about seven feet.

9 The existing footprint will be
10 the same except it will be moved back seven
11 feet. The home is being moved by a third
12 generation home mover and structural expert.
13 The name of the company is D and B House
14 Movers, they are in, Monroe, Michigan. They
15 have done a lot of -- what's the word,
16 Greenfield Village a lot of homes like that.

17 MS. METTE: Grosse Pointe,
18 Grosse Isle.

19 MR. METTE: His company is
20 building the new crawl space, the walls and
21 all the structural beams required.

22 MS. METTE: And new footings.

23 MR. METTE: That's pretty much
24 what we are just -- I have some pictures here
25 that I can show you. This is the home as it

0122

1 right now. This is another one. This is our
2 home right here. This is the home that's
3 next to it. There is a house with that
4 height variance. You can't really see that
5 one, so I took another picture of the one
6 that's to the south of us, and there is our
7 tiny little house right next to that. So we
8 will be moving up that with up the
9 existing --

10 MS. METTE: We are in between the
11 bigger homes.

12 MR. METTE: With the new crawl.
13 I think you have some of the picture in the
14 packet that we submitted and what we are
15 going to do. Everything is going to be vinyl
16 sided on the outside, as it is here. We are
17 trying to just really -- we need to actually
18 my son -- we went through -- to the board
19 about a year ago, little over a year ago.

20 We were going to add a
21 bathroom and a bedroom onto the back of this

9-15-15

22 home and we went back and forth as a family,
23 and we found out that it really wasn't going
24 to give it enough space, so we came -- we
25 know there is other places on the lake around

0123

1 East Lake there that have lifted the homes
2 and have done this same thing.

3 So we went in and we looked at
4 that as an option. And it really will give
5 us a little more space, we will be able to
6 add another couple of bedrooms and bigger
7 area downstairs for family.

8 MS. METTE: And a laundry room.
9 There is also no closet. There is one closet
10 and it's in the bedroom, that's it. There is
11 only one closet in the whole house, in the
12 bedroom.

13 MR. METTE: We are also going to
14 add a laundry room in there so they will --
15 we will have a little more space for putting
16 a washer and dryer and necessities for
17 living.

18 CHAIRPERSON GRONACHAN: Thank
19 you. Is there anyone in the audience that
20 wishes to make comments on this case?

21 (No audible responses.)

22 CHAIRPERSON GRONACHAN: Seeing
23 none, shaking their heads no.

24 Mr. Secretary, would you
25 please read the correspondence.

0124

1 MR. IBE: Yes, Madam Chair.

2 There were 27 letters mailed, one letter
3 returned, three approval letters received,
4 zero objection letters received.

5 The first approval is from
6 Angela Maher at 1375 East Lake Drive, and she
7 writes, "I approve and support the
8 reconstruction project at 1361 East Lake
9 Drive. The owners are very kind and
10 responsible and they continuously make great
11 decisions in regards to making the home, yard
12 and neighborhood more appealing and
13 beautiful."

14 The second approval is from
15 Anita Chacko at 1381 East Lake Road from she
16 just simply said, "approve and support."

17 And the final approval is

9-15-15

18 Gordie Wilson and Gordie writes, "in full
19 support, they have done a great updating of
20 the house and they have owned it, it's a
21 tough lot to work with and I support the
22 variance". That's it, Madam Chair.

23 CHAIRPERSON GRONACHAN: Building
24 department?

25 MR. WALSH: No additional

0125

1 comments this time.

2 CHAIRPERSON GRONACHAN: Okay.

3 I'll go ahead.

4 MS. METTE: I was going to add
5 one little thing. We don't have a basement
6 either and there is just almost no storage in
7 the whole house.

8 CHAIRPERSON GRONACHAN: Board
9 members. Member Sanghvi?

10 MR. SANGHVI: Thank you. I came
11 and saw your property on Friday, looked
12 around. Before I saw your property, I had a
13 little concern about the south side variance
14 you request, but when I saw it, there was
15 enough room for the fire cart or anything
16 else to go through, so I have no hesitation
17 in supporting your application. Thank you.

18 CHAIRPERSON GRONACHAN: Member
19 Byrwa?

20 MR. BYRWA: I'm just trying to
21 confirm. There is a south side of the
22 property pretty much is going to be within
23 three feet of the lot line. I guess, most of
24 the houses existing and then you're proposing
25 an additional four feet to be added to that

0126

1 three foot side yard setback?

2 MS. METTY: Let's see, it would
3 be the west is where we are actually
4 looking -- towards the lake.

5 MR. BYRWA: It says on here that
6 the variance request was to allow -- you're
7 asking for a seven feet variance in the
8 required south side yard setback, a 10 foot
9 is required, three foot is proposed.

10 But it's existing at three
11 feet, the house.

12 MR. METTE: Yes, it is. I'm not
13 moving this side --

9-15-15

14 MR. BYRWA: Isn't it going,
15 you're expanding that an additional four feet
16 or so?

17 MS. METTY: We are moving the
18 house back from the road seven feet.

19 MS. METTE: Straight back.

20 MR. METTE: Just straight back.
21 We are not moving the sides, the south or
22 north.

23 MR. BYRWA: Then you are
24 completely redoing the inside pretty much?

25 MR. METTE: Set it back. The

0127

1 reason we were going to set it back, so we
2 could -- we wanted to have this deck put on
3 the second level, where there is going to be
4 a bedroom up there, we wanted to put a deck
5 up there so you could kind of overlook the
6 water.

7 MR. BYRWA: The concern I have
8 and maybe Tom can help me out a little bit on
9 this. When you -- when you get within like
10 closer than five feet to the lot line, like
11 you're three foot, it requires some special
12 construction because you get into what is
13 called a fire rating on the walls and they
14 require, I believe, a fire rating, one hour
15 fire rating on the exterior and interior of
16 the wall, and then you're not really required
17 to have any windows on that wall.

18 If you do, then they're fairly
19 expensive, what they call a fire rated
20 glazing or a fire rated window would have to
21 be on that wall being that you're within
22 three feet of the lot line. Were you aware
23 of that?

24 MR. METTE: I was not.

25 MR. BYRWA: Is that correct?

0128

1 MR. WALSH: If it's less than
2 three feet. So if you're three feet or
3 greater then there is no rating. If you're
4 two foot 11, then there is the rating.

5 MR. BYRWA: I guess if you're not
6 changing it, you're sticking to that three
7 foot, then you're home free then.

8 MS. METTY: I'm going straight
9 back. So are you saying that I won't have to

9-15-15

10 fire stop that --

11 MR. BYRWA: Fire rate. They have
12 a big thing, this is with fire people and
13 stuff, and normally they go by a five foot
14 setback from each lot line, and then if the
15 neighbor does five feet, you do five feet,
16 then you get a 10-foot separation between
17 structures. And there has been all kinds of
18 tests on fires and their ability to jump from
19 one structure to the next and they looked at,
20 well, 10 feet is really -- kind of like
21 almost the minimum requirement to kind of
22 pretty much prevent fires jumping from one
23 structure to the next. They got a fancy word
24 called conflagration, but it's the ability for
25 a fire to jump from one to the next and they

0129

1 like to keep structures at least 10 feet
2 apart, or five feet -- each property owner
3 say five feet from each lot line.

4 MR. METTE: Well, what you're
5 concerned about there, you can point this
6 out, this is the house -- our existing house
7 here, and Carmen's house, that's here, this
8 is her garage, so from the edge of her garage
9 to the wall of our home is about -- it's at
10 least probably 10 feet. There is at least
11 ten feet.

12 MR. BYRWA: That's a good safety
13 margin to --

14 MR. METTE: Then on the other
15 side where the other small home is that's
16 next to us, that's about 14 feet. Between
17 that would be right --

18 CHAIRPERSON GRONACHAN: Sounds
19 like you're well within those requirements.
20 That's good.

21 Any other questions?

22 I was out to your house on
23 Sunday, after I went, you know, garage
24 looking, and I have to tell you that, I am
25 jealous of your view because you have a great

0130

1 view, very nice. And I will be honest, when
2 I drove up, my first concern was the safety
3 of that living room, and again, I just tell
4 petitioners, again, I'm only human, I open my
5 cases, I read them, I have to go out and look

9-15-15

6 at them. I'm not a builder by trade. So,
7 you know, it takes me perhaps a little longer
8 than someone who has been looking at
9 construction for 50 years.

10 But my concern at first was
11 that you were moving it closer to the road
12 and it was a big safety concern. So I had to
13 actually go back and reread it. So I'm glad
14 to see that that house is going back further,
15 thank God.

16 My only -- my other question
17 when I got done looking at it, after I
18 clarified that it was moving back and not
19 forward, was why the deck was on the front.
20 I understand the upstairs deck, but there is
21 not really a deck on the front on the new
22 construction. That's going to add to the
23 variance.

24 MR. METTE: On the lower floor?

25 CHAIRPERSON GRONACHAN: On the

0131

1 lower floor.

2 MR. METTE: That's really kind of
3 up in the air at this point. We are not
4 really sure what to do with that. We
5 weren't -- we may be just having pavers
6 there.

7 CHAIRPERSON GRONACHAN: The
8 reason why is because I think you're doing a
9 great job. I love a presentation. You
10 explained most of it. But again we are
11 always going for the least, least amount of
12 variances.

13 And I just didn't know if
14 adding anything onto the front -- I get the
15 upstairs, okay. But adding anything down
16 below, and I asked Tom this question --

17 MR. METTE: The only -- I mean, I
18 am going to have to probably put posts in
19 there.

20 CHAIRPERSON GRONACHAN: I got --

21 MR. METTE: They are going to
22 have to be there.

23 CHAIRPERSON GRONACHAN: But to
24 bring the bottom front out, Tom, will that
25 add -- is that adding to the front --

0132

1 MR. WALSH: As long as they do

9-15-15

2 brick pavers or something at grade, then no.
3 But if they're going to build a wood
4 structure, something above grade, then, yes.

5 CHAIRPERSON GRONACHAN: Would
6 that -- if they did the brick pavers, would
7 that remove one of these variances?

8 MR. WALSH: No. Still needs a
9 variance.

10 CHAIRPERSON GRONACHAN: I tried.
11 That's the only question I had, and
12 clarification, so we are good.

13 MR. METTE: We are probably just
14 going to keep that as brick pavers there and
15 just have an area there to really have like a
16 little bench there now. We can probably just
17 keep it like that. We really were more
18 looking at having that upper deck, because
19 that's where the view will be.

20 CHAIRPERSON GRONACHAN: Exactly,
21 down by the traffic. Anything else?

22 Anybody would like to
23 entertain a motion. Member Ibe?

24 MR. IBE: Thank you, Madam Chair.
25 I move that we grant the variance as

0133

1 requested in Case No. PZ15-0030 for Bruce
2 Mette at 1361 East Lake Drive, west of Novi
3 Road, for the following reasons.

4 That the petitioner has
5 established that his practical difficulty for
6 the property including the following
7 criteria, that the property, in fact, is
8 unique. It's a non-conforming property lot
9 as it sits right now. And it's one of those
10 lakefront properties and we are quite
11 familiar with this lakefront property that
12 are now basically supposed to be what they
13 intend for was -- the place, a cottage, but
14 it's now your primary residence. And because
15 it is your primary residence, the unique
16 nature of the property, such that a variance
17 is required in order to make it more
18 liveable, the way it's supposed to be.

19 The need for the variance is
20 not self-created. As I said, it's
21 non-conforming, it's a lakefront property,
22 and times have changed and obviously the
23 changes bring about variances to allow more

9-15-15

24 of the homes to conform to what is more
25 liveable.

0134

1 Three, strict compliance with
2 the dimensional regulations of the zoning
3 ordinance will unreasonably prevent the
4 petitioners from using their property for the
5 permitted purpose.

6 Obviously they have stated to
7 us here that they don't even have a closet,
8 one closet in the bedroom, not enough storage
9 space.

10 And it just makes it -- I
11 don't even know how they live in this home,
12 obviously, this is a renovation that has been
13 crying out for a very long time.

14 The petitioner has established
15 the minimum that is required in order to
16 carry out the work that is needed here. The
17 requested variance will not cause any adverse
18 impact of the surrounding properties.

19 The petitioner has brought in
20 some pictures of some homes that are next to
21 them, and seeing that, based on what we see,
22 those homes may have -- may have had some
23 renovations, made what is current after
24 liveable conditions.

25 And I think that by petitioner

0135

1 doing this, I am sure your neighbors are
2 quite happy because their property values
3 will go up. So it is a win-win for everyone.

4 The variance is definitely in
5 the best interest of the neighborhood and is
6 consistent with the ordinance, therefore, I
7 move that we grant the variance as requested.
8 Thank you.

9 CHAIRPERSON GRONACHAN: It's been
10 moved and seconded. Is there any further
11 discussion on the motion?

12 (No audible responses.)

13 CHAIRPERSON GRONACHAN: Seeing
14 none, Ms. Ramsay will you please call the
15 roll.

16 MS. RAMSAY: Member Ibe?

17 MR. IBE: Yes.

18 MS. RAMSAY: Member Krieger?

19 MS. KRIEGER: Yes.

9-15-15

20 MS. RAMSAY: Member Sanghvi?
21 MR. SANGHVI: Yes.
22 MS. RAMSAY: Member Byrwa?
23 MR. BYRWA: Yes.
24 MS. RAMSAY: Member Montville?
25 MR. MONTVILLE: Yes.

0136

1 MS. RAMSAY: Chairperson
2 Gronachan?
3 CHAIRPERSON GRONACHAN: Yes.
4 MS. RAMSAY: Motion passes six to
5 zero.
6 CHAIRPERSON GRONACHAN: Your
7 variance has been granted. Congratulations
8 and good luck on your project.
9 MR. METTE: We will probably be
10 calling him quite a bit.
11 CHAIRPERSON GRONACHAN: I would
12 highly recommend tht.

13 Our next case, Case No.
14 PZ15-0031, Sherrie Konkus on behalf of the
15 Turtle Creek Subdivision, sign locations Nine
16 Mile and Heatherbrae Way and Meadowbrook and
17 Singh Boulevard, south of Nine Mile and east
18 of Meadowbrook Road.

19 The applicant is requesting a
20 variance of four feet in the right-of-way
21 setback for their signs.

22 Good evening. Are you the
23 only one speaking this evening?

24 MS. KONKUS: Yes. I'm Sherrie
25 Konkus, S-h-e-r-r-i-e, K-o-n-k-u-s.

0137

1 CHAIRPERSON GRONACHAN: Would you
2 please raise your right hand and be sworn in
3 by Member Ibe.

4 MR. IBE: Do you swear or affirm
5 to tell the truth?

6 MS. KONKUS: I do.

7 CHAIRPERSON GRONACHAN: Thank
8 you. Good evening.

9 MS. KONKUS: The landscaping on
10 Turtle Creek Subdivision two entrance islands
11 has served us well for over 30 years and is
12 now clearly in need of refreshing.

13 The homeowners association
14 plans a complete overhaul of the entrance and
15 landscaping in early 2016, assuming the

9-15-15

16 project is formally approved by our
17 homeowners at our annual meeting this year.

18 Tonight we seek two sign
19 variances for this project. At a recent site
20 visit, we noticed that the posts -- that
21 while the Turtle Creek signs are in excellent
22 condition, the four posts supporting them are
23 significantly compromised. The requested
24 variance from the ground surface sign
25 requirement to allow us to replace those

0138

1 posts and maintain our existing signs. Our
2 second request is a variance of four feet
3 from the right-of-way setback, enabling the
4 signs to be moved closer to the subdivision
5 entrances, as recommended by our designer.

6 Moving the signs forward to
7 six feet from the right-of-way from their
8 current placement of 11 feet six inches and
9 12 feet six inches from the right-of-way,
10 reduces the area that must be set aside for
11 low growth plants. That's important because,
12 as you look, this picture was taken before
13 some recent removals, we did this year
14 because of the overgrowth. We had some real
15 visibility issues of our sign from our
16 original, initial landscaping that has not
17 been replaced since the subdivision was put
18 in -- was built up.

19 You can see that these pines
20 had overgrown, so one consideration we know
21 we have is we look at a new design, is that
22 this space in front of the sign has to be put
23 with low growth plants, in order to maintain
24 the visibility of the signs.

25 So one of the reasons we are

0139

1 looking at moving this up is that we are able
2 to improve the visibility of the signs,
3 reduce the amount of the low growth plants
4 that we have to have, which makes it more
5 interesting landscaping, if you don't have to
6 have everything really, really low to the
7 ground. And also the fixed nature of the
8 island means we only have so much room to
9 accommodate the plantings.

10 So the trees, if the only way
11 we are going to be able to provide additional

9-15-15

12 room to enhance the long-term survivability
13 of the new plantings, is by giving them a
14 little bit of space by moving forward so
15 those larger trees can have as much room as
16 possible to survive to improve their chances
17 of long-term survival. So this placement
18 also will allow the signs to better serve
19 their practical purposes making them more
20 visible from both Nine Mile and from
21 Meadowbrook and, therefore, be more easily
22 spotted by drivers unfamiliar with our
23 location.

24 So the Turtle Creek homeowners
25 association, in conclusion, wishes to use our

0140

1 stewardship responsibility for these entrance
2 islands to maintain and enhance their look
3 and function and thereby improve the property
4 values enjoyed by our residents and those
5 living thereby.

6 The signs will be structurally
7 improved with new posts and granting a four
8 foot variance for the 10-foot right-of-way
9 ordinance will allow placement of the signs
10 at each entrance in location that increases
11 its visibility, fits beautifully into the new
12 landscaping and provides more room for new
13 trees to thrive over the long-term. Granting
14 these two variances will result in more
15 functional and attractive welcoming into our
16 neighborhood. Thanks for your consideration.
17 I will be happy to answer any questions you
18 have.

19 CHAIRPERSON GRONACHAN: Thank you
20 very much. Is there anyone in the audience
21 that wishes to make comment on this case this
22 evening?

23 (No audible responses.)

24 CHAIRPERSON GRONACHAN: Seeing
25 none, Member Ibe, will you please read the

0141

1 correspondence.

2 MR. IBE: Yes, Madam Chair.
3 There were 36 letters mailed, one letter
4 returned. Three approval letters received,
5 zero objection letters received.

6 The first approval letter was
7 from Nancy Thompson at 22371 Heatherbrae Way,

9-15-15

8 "I have seen the signs laid out for the
9 entrance for Turtle Creek and support moving
10 the sign closer to the road so it can be seen
11 and support variance, re: the sign structure
12 being constructed, remaining constructed with
13 the current post". There is also an email
14 from Jeffrey Stark, saying "I approve moving
15 the sign closer to the road."

16 And there is a letter from
17 Michael and Mary Jane Curle, and they write,
18 "We live next to the island of Meadowbrook.
19 I support the variance as requested. Michael
20 and Mary Jane at 22041 Cascade Drive."

21 CHAIRPERSON GRONACHAN: Thank
22 you. Building department?

23 MR. WALSH: No additional
24 comments. Thank you.

25 Board members? Member

0142

1 Sanghvi?

2 MR. SANGHVI: Thank you, Madam
3 Chair. I have read (unintelligible) for 40
4 years just to (unintelligible) these things.
5 I see this every day.

6 And I see the landscaping, now
7 the trees have grown, and your sign is not as
8 visible as it used to be in the old day. I
9 can understand the need to bring it forward,
10 so I have no difficulty in supporting your
11 request. Thank you.

12 CHAIRPERSON GRONACHAN: Anyone
13 else? I have a question for, I think it's
14 going to be for Tom.

15 So as these subdivisions get
16 older, and they ask -- obviously the greenery
17 that's before this sign, it was part of the
18 plan when this subdivision was developed,
19 correct?

20 MR. WALSH: Yes.

21 CHAIRPERSON GRONACHAN: So now
22 when the new subdivisions are being built,
23 has that changed -- have they changed that
24 requirement because obviously on these older
25 subdivisions, this is a problem. I hate to

0143

1 say, but did we create this problem?

2 MR. WALSH: No, but they're
3 asking to come farther out in the road closer

9-15-15

4 to the right-of-way. So that requires a
5 variance. I mean, they could remove the
6 plantings, around the (unintelligible), or
7 behind the sign, if they choose to.

8 CHAIRPERSON GRONACHAN: So they
9 could remove the plantings, then the sign
10 wouldn't have to be moved. That's why I'm
11 saying, did the plantings create this issue.
12 That's because the plantings grew -- the
13 petitioner indicated that the plants grew up,
14 which makes the sign not being able to be
15 visible as much.

16 MR. WALSH: There is always
17 maintaining the plants.

18 CHAIRPERSON GRONACHAN: Okay, I
19 get it. But what I want to make sure that
20 our ordinance of whatever we are doing did
21 not create this issue.

22 MR. WALSH: I do not believe so.

23 CHAIRPERSON GRONACHAN: All
24 right. I have no problem with the boards --
25 with the posts to replace the sign. I'm

0144

1 struggling moving it closer to the
2 right-of-way.

3 And the reason why I'm
4 struggling with it, for the following
5 reasons. It's an established subdivision.

6 The way your sign is, and I
7 travel this area on a regular basis, I will
8 be honest with you, I don't know all the
9 subdivisions, so I count on the subdivision
10 signs, especially when we are counting where
11 we do what we do when I drive out and look at
12 houses.

13 I don't know every
14 subdivision, I have been gone for awhile, I
15 come back, I count on the identification.
16 And Turtle Creek is a well-established
17 subdivision, I believe that you can see your
18 sign if the plantings weren't there better,
19 or a different choice would be put in there.

20 I'm hesitant to move it
21 further to the right-of-way. And the reason
22 why I was out there, I looked at it, I was
23 concerned about again, as I said earlier, I'm
24 consistent with lesser variances. Does there
25 have to be a variance. If something else

0145

1 could take place to assist the petitioner,
2 that's where -- that's my way of thinking.
3 And I believe that if this growth got out of
4 there, okay, and it was -- I don't see the
5 move of four feet in, but I think that if the
6 growth got out of there, and your sign was
7 repaired, you would be able to see that sign
8 better.

9 MS. KONKUS: In fact, we have
10 removed these pine trees already because we
11 felt it was kind of a safety issue, even in
12 advance of a redo.

13 CHAIRPERSON GRONACHAN: And
14 driving through, right.

15 MS. KONKUS: So I think you're
16 right about the visibility issue. I think as
17 we are looking at a total refresh of that
18 island, and we have paid for a designer to
19 come out and do a new design, we really
20 weren't thinking about moving that sign
21 forward as much as repairing the posts.
22 That's what we initially discovered was
23 necessary.

24 When we met with her though,
25 her suggestion about the design really swayed

0146

1 us since we had to come here anyway and ask
2 for a variance just to repair the posts, to
3 also pursue moving the sign. And the reason
4 is these trees that she has, I think I have
5 shown here how you really do have to keep low
6 growth in front of that sign. We learned
7 that so we are going to make sure we do that
8 as we move forward, but because the fixed
9 nature, the fixed size of these islands, we
10 don't have any other way to maximize the
11 ability of these new plantings to survive
12 over the long-term, except to give them a
13 little more room this way.

14 So that's really what is
15 encouraging us to do that, along with adding
16 a varied interest on -- one of the key things
17 we are looking for is this winding drive
18 creek bed, it's kind of serpentine throughout
19 the design. And moving that sign forward
20 just a little bit allows us a little bit
21 better to create that beautiful design, so

9-15-15

22 it's really -- use of the fixed space we have
23 is really one of the reasons we are
24 requesting moving forward slightly.

25 I do believe that our signs

0147

1 currently are a little out -- further beyond
2 the 10-foot ordinance as it stands. So we do
3 have some room already to move them a little
4 bit closer within the right-of-way, but as I
5 understand it, our right-of-way, we have
6 these bridges across, so the right-of-way is
7 two foot on the innermost side of the bridge.

8 So what that means is -- my
9 understanding the right-of-way is here. We
10 will be -- the corner of these signs will be
11 eight feet in from the inner most edge of the
12 bridges, so it's quite a ways from the road.

13 It's a considerable distance
14 from the road. The right-of-way, if I'm
15 understanding this correctly, as I worked
16 with the city department, the community
17 development department is this side of those
18 bridges.

19 So we are currently -- we are
20 just looking to move, as you can see from the
21 sign placement, of the mock signs we put
22 together, we are just looking to move it a
23 little bit closer to that bridge, makes for a
24 more cohesive design, so that's really what
25 we are at -- that's what really drives us

0148

1 forward on that.

2 Can we complete this project
3 without those variances, I believe we can,
4 certainly. I think it will compromise the
5 design and the intention is that hopefully
6 new landscaping will be beautiful for 30 plus
7 years, so we do consider use of that fixed
8 area very seriously in terms of how we can
9 make sure that those trees have as much room
10 as possible to thrive over the long-term.

11 CHAIRPERSON GRONACHAN: Thank
12 you. Anyone else?

13 MR. MONTVILLE: Just to clarify,
14 so you're going to be ripping out the bridge
15 and everything in front anyway, so the bridge
16 is staying?

17 MS. KONKUS: Bridge is staying.

9-15-15

18 MR. MONTVILLE: Thank you.

19 CHAIRPERSON GRONACHAN: Anyone
20 like to make a motion? Member Ibe.

21 MR. IBE: I will take it. Madam
22 Chair, in Case No. PZ15-0031, Turtle Creek
23 Subdivision, brought by Sherri Konkus on
24 behalf of the Turtle Creek Subdivision, sign
25 location at Nine Mile and Heatherbrae Way and

0149

1 Meadowbrook Road and Singh Boulevard south of
2 Nine Mile and east of Meadowbrook Road, I
3 move that we grant the variance as requested
4 by the applicant.

5 The petitioner has shown some
6 practical difficulty that will enable this
7 board to grant the request.

8 The Turtle Creek Subdivision
9 is an established subdivision as we all know.
10 And the presentation made today by the
11 petitioner's representative indicates to us
12 that the original plan was to change the
13 poles that support the original sign,
14 however, due to the landscaping and
15 beautification of all this entryway, for this
16 subdivision, it only makes more sense that
17 the sign move closer to the right-of-way, but
18 from what she has described, it is still
19 significantly far from the road where it does
20 not really impede oncoming traffic, and
21 doesn't impede upon the road for pedestrians
22 to cross.

23 The property is unique in a
24 sense because the landscaping, the bridge
25 that is between two roads having been there

0150

1 for a while and she talked about the height
2 of this particular island, and the island's
3 height makes it so even if the roads have to
4 be managed, they have to be managed in a way
5 that is consistent with what they already
6 have.

7 So the uniqueness of that
8 island itself makes it tough for them to
9 remove all the plantings and growth around it
10 will be at a significant cost and will not
11 really be to the benefit of this applicant,
12 so the best the applicant can do is request
13 for this variance in order to accomplish what

14 they intended to do.

15 The petitioner did not create
16 this condition as stated early on, the
17 subdivision has been in existence for a very
18 long time. The variance will not
19 unreasonably interfere with existing or
20 surrounding properties, there is no record of
21 any subdivision coming in or (unintelligible)
22 to what has been asked for by this
23 petitioner, therefore, the surrounding
24 properties will only benefit because a
25 beautiful Turtle Creek means that this

0151

1 neighborhood is going to look very good and
2 everybody's property values go up.

3 The relief is consistent with
4 the spirit and intent of the ordinance, and
5 therefore I move that we grant the request as
6 presented by the petitioner.

7 MR. BYRWA: Madam Chair, point of
8 clarification, that's four feet from the
9 right-of-way or four feet in the
10 right-of-way?

11 MR. MONTVILLE: I believe it is
12 six feet from the right-of-way.

13 MR. BYRWA: The write-up here
14 says a variance of four feet in the required
15 right-of-way, ten feet required, four feet
16 proposed.

17 CHAIRPERSON GRONACHAN: It's four
18 feet.

19 MS. KONKUS: I have requested a
20 four foot variance from a 10 foot
21 right-of-way setback which would mean six
22 foot from the right-of-way.

23 CHAIRPERSON GRONACHAN: Into the
24 right-of-way.

25 MR. BYRWA: From the

0152

1 right-of-way, not into.

2 CHAIRPERSON GRONACHAN: Would
3 that not bring them into the right-of-way?

4 MS. SAARELA: Correct.

5 CHAIRPERSON GRONACHAN: It would
6 bring them into the right-of-way?

7 MS. SAARELA: No.

8 CHAIRPERSON GRONACHAN: It would
9 not bring them into the right-of-way. That's

9-15-15

10 what I was asking earlier. They are not in
11 the right-of-way now, they are 11 feet out of
12 the right-of-way.

13 MR. BYRWA: They want to scoot it
14 forward so that they are within four feet of
15 the right-of-way.

16 MR. WALSH: Six feet, variance of
17 four.

18 MR. BYRWA: From the required
19 ten.

20 MS. SAARELA: So they will still
21 be six feet back from the right-of-way.

22 MR. BYRWA: The write-up was a
23 little confusing and said a proposed variance
24 of four feet in the required right-of-way.
25 But it's not --

0153

1 CHAIRPERSON GRONACHAN: That's
2 why I was struggling. I thought it was
3 taking it four foot into the right-of-way.

4 MS. KONKUS: I apologize --

5 MR. BYRWA: It's four feet into
6 the 10-foot setback from the right-of-way.

7 CHAIRPERSON GRONACHAN: Okay.
8 Not we got that all clarified. Good thing I
9 didn't call the vote. It's been moved.

10 MS. KRIEGER: Second.

11 CHAIRPERSON GRONACHAN: It's been
12 moved and seconded.

13 Member Ramsay, would you
14 please call the roll.

15 MS. RAMSAY: Member Ibe?

16 MR. IBE: Yes.

17 MS. RAMSAY: Member Krieger?

18 MS. KRIEGER: Yes.

19 MS. RAMSAY: Member Sanghvi?

20 MR. SANGHVI: Yes.

21 MS. RAMSAY: Member Byrwa?

22 MR. BYRWA: Yes.

23 MS. RAMSAY: Member Montville?

24 MR. MONTVILLE: Yes.

25 MS. RAMSAY: Chairperson

0154

1 Gronachan?

2 CHAIRPERSON GRONACHAN: Yes.

3 MS. RAMSAY: Motion passes six to
4 zero.

5 MS. KONKUS: Thank you very much.

9-15-15

6 I appreciate everybody's dedication to this.

7 CHAIRPERSON GRONACHAN: Good
8 luck. I think it will good great.

9 So I know it's been a long
10 evening, but I have -- we have some other
11 matters to talk about this evening.

12 And so I'm not very good at
13 goodbyes, and we have a member that's going
14 to be leaving us, and Mr. Walsh has accepted
15 a position and is leaving the City of Novi
16 sadly.

17 So I wanted to take a moment
18 to thank you. I don't have the oil can and I
19 don't have box of Kleenex, so I'm hoping I
20 can get through this.

21 When I first moved back to
22 Novi in 2012, all the -- most of the names
23 and the faces have changed. And when I came
24 into the building department and was
25 appointed back onto the Zoning Board, one of

0155

1 the friendliest faces and names was Tom
2 Walsh. He made my job very easy and after
3 being away for a long time and trying to get
4 reactivated and re-acclimated, I should say,
5 back into the area, you made me welcomed back
6 home again.

7 I thank you for that and we
8 would like to go all wish you the very best
9 on your new adventure and we are going to
10 miss you and we hope that the people in
11 Florida don't want you and they send you back
12 to us and we will take you.

13 MR. WALSH: Wow. Thank you. I
14 appreciate it.

15 CHAIRPERSON GRONACHAN: I would
16 like everyone to stand and give Mr. Walsh a
17 round of applause.

18 (Applause.)

19 CHAIRPERSON GRONACHAN: If you
20 would like to say few words, and I don't know
21 if I -- was I not supposed to tell anybody
22 that you were leaving?

23 MR. WALSH: Not yet. I haven't
24 told Charles. No. Thank you. I appreciate
25 it.

0156

1

It's been an honor to work

9-15-15

2 with the city, the last two years have just
3 been awesome. I love the City of Novi. And
4 thank you.

5 CHAIRPERSON GRONACHAN: With
6 that, I got through this without a box of
7 Kleenex.

8 Would you pass this down to
9 him. That's just a little something. Like I
10 said, we didn't have time because I just
11 found out about this and our personal shopper
12 was on vacation. So with that, I would like
13 to go call for a motion to adjourn.

14 MR. SANGHVI: I'd like to raise
15 another issue.

16 CHAIRPERSON GRONACHAN: Go ahead.

17 MR. SANGHVI: I had a question
18 for the city attorney.

19 I have been on this board for
20 a long time, almost 20 years. Time and again
21 I keep hearing about the precedent setting
22 and all of that, I wanted to clarify, once
23 and for all, that we judge every case on its
24 own merits, without any consideration of
25 previous cases or setting up any precedent.

0157

1 MS. SAARELA: That's correct. So
2 just because we didn't grant one similar
3 variance, you know, similar to one that's on
4 another agenda, you don't necessarily have to
5 go back and see what was done at the previous
6 one, you're looking at factors that change
7 with respect to every property because each
8 property is unique, so no, you're correct,
9 that one case does not set a precedent for
10 another case.

11 MR. SANGHVI: We don't open up
12 any Pandora's box and --

13 MS. SAARELA: Correct.

14 MR. IBE: True. I'll make a
15 comment to that. That's quite true.
16 However, the reason why we don't go down that
17 road is because even though that's -- open up
18 the (unintelligible) everybody is going to
19 come right now. And when they come running
20 out, they would have a (unintelligible) to
21 say well, look, my neighbor got this. That's
22 how the lake area became what it is today.
23 Because one person got a variance, and --

9-15-15

24 before you know it, there is variances going
25 on all over the whole place.

0158

1 If we are going to be fair to
2 homeowners who have, of course, paid good
3 money for their homes in Novi, we have to be
4 mindful that when you grant something, people
5 do their homework, they don't just come in
6 here without -- those who don't do their
7 homework, come in here and they lose, those
8 who do their homework will understand that
9 clearly well these things have done in the
10 past.

11 And yes, we are students of
12 history, and certainly we cannot just simply
13 ignore the fact that this kind of case, this
14 kind of factor went on before.

15 While we look at each case on
16 its merit, it is fair also say, you know
17 what, we have done this before, so it is only
18 fair that I look at a case on a case-by-case,
19 but if there is something that is similar to
20 it, that will allow me to go one way or the
21 other, I will defer to what we have done in
22 the past that perhaps has worked. That's how
23 I make my judgment.

24 MS. SAARELA: That is actually
25 the state of the law in Michigan that in the

0159

1 case of a zoning variance, it doesn't set a
2 precedent. You have to look at each of the
3 factors as it applies in each case.

4 MR. IBE: Absolutely. I agree.
5 Unfortunately, we have unwritten precedents
6 on this board. That goes back for so many
7 years.

8 I've been on this board for
9 seven years, I have seen so much precedence
10 that we have gone back on again and again and
11 again. Each time we will say, what did we do
12 with this old case, we seem to recall that so
13 many times on this board. That seems to be
14 the history that we have gone by for a long
15 time. And it doesn't mean it's right, but
16 unfortunately, that seems to be the road we
17 travel.

18 CHAIRPERSON GRONACHAN: I would
19 like to add something to this conversation if

9-15-15

20 I can.

21 I know what you are both
22 referring to, in a case -- I think I know
23 what you're both referring to. I led
24 everybody down that road and it is in
25 regards -- can I reference the case?

0160

1 MS. SAARELA: We shouldn't be
2 talking about cases that --

3 CHAIRPERSON GRONACHAN: When it
4 comes to -- the decisions that I -- let me
5 put it this way then.

6 When I'm making a decision
7 about a case, I think we should all sit back
8 and take a look at what decision that I make
9 tonight could possibly have a negative impact
10 on the city that I'm representing.

11 And you know, Member Byrwa
12 made a statement about ordinance officers
13 being out there. I don't want to create more
14 work for the city.

15 So I trust the people that are
16 in this building that work, you know, Monday
17 through Friday, nine to five, they give me
18 the rules. They give me the lay of the
19 ground, and I'm not here to break those.

20 I'm here to better an
21 applicant's life when I can, but I'm also
22 here to make sure that the rest of the
23 residents who live near that applicant are
24 not negatively impacted.

25 So I go through several steps,

0161

1 and although I hear both of your sides, and I
2 agree, and I will say that with the three of
3 us we have a lot of experience, and there are
4 things that are said at this table that we
5 shake in our shoes, and we probably wouldn't
6 have gone down that road in the past, but
7 even for the newer members, I think that we
8 need to take a deep breath and say how do I
9 effect -- if this decision that I make
10 tonight, what effect is it going to have on
11 this city. If you answer, you could be
12 honest with yourself and say, it's not going
13 to have any effect, it's not going to affect
14 anybody else, and I don't have a crystal
15 ball, I can't predict the future, but those

9-15-15

16 are some of the criteria that I use when I'm
17 looking at a case.

18 Now, I'm not perfect. I can't
19 give every right answer, but I deal from my
20 heart because I represent the city, I love
21 the city, it's a known fact. I have said it
22 at this table many a time. But I don't want
23 to do a negative impact to a resident. And
24 so what if I moved in -- I'm going to use
25 this example. You all know that I love

0162

1 horses, I live on a square lot. So I'm going
2 to go out tonight and buy a horse, I'm going
3 to bring it to my house and put it in the
4 backyard because it's fenced --

5 MS. KRIEGER: I'll be over
6 tomorrow.

7 CHAIRPERSON GRONACHAN: I may not
8 know what the rules are, but that doesn't
9 mean that I get to keep my horse in my
10 backyard. I have to do my due diligence as a
11 resident, as a homeowner, as someone who is
12 going to be living in a city. And you
13 can't -- you know, there was a former board
14 member that used to say it's easier to ask
15 for forgiveness than it is to ask for
16 permission. And I do not believe in that.

17 I think that every person
18 needs to do their homework as a homeowner and
19 as a resident, if they are going to be
20 respectful to their neighbors.

21 So there is going to be cases
22 that are going to be challenging. We had
23 some challenges tonight. I think we rallied
24 as a board, and we worked hard together and
25 that's where we ended up.

0163

1 Next month we will back here
2 and we will do it again. I like the
3 challenge at this table. I respect this
4 board greatly, and I want to thank all of you
5 for your input tonight. And it just makes me
6 that much more prouder that you all thought
7 about it and you all did your homework and
8 this is where we are. We may not always
9 agree when we leave this table, but I will
10 never not respect you less for your opinions
11 and for the road that you took tonight or any

9-15-15

12 night when we are doing cases.

13 Anything else?

14 MR. SANGHVI: I don't want to
15 (unintelligible). Thank you.

16 MR. IBE: I move that we --

17 CHAIRPERSON GRONACHAN: I move
18 that we adjourn this meeting. All those in
19 favor?

20 THE BOARD: Aye.

21 CHAIRPERSON GRONACHAN: Adjourned.

22 (The meeting was adjourned at 10:00 p.m.)

23 ** ** **

24

25

0164

1 STATE OF MICHIGAN)
2) ss.
3 COUNTY OF OAKLAND)

4 I, Jennifer L. Wall, Notary Public within and for the
5 County of Oakland, State of Michigan, do hereby certify that the
6 witness whose attached deposition was taken before me in the
7 above entitled matter was by me duly sworn at the aforementioned
8 time and place; that the testimony given by said witness was
9 stenographically recorded in the presence of said witness and
10 afterward transcribed by computer under my personal supervision,
11 and that the said deposition is a full, true and correct
12 transcript of the testimony given by the witness.

13 I further certify that I am not connected by blood or
14 marriage with any of the parties or their attorneys, and that I
15 am not an employee of either of them, nor financially interested
16 in the action.

17 IN WITNESS THEREOF, I have hereunto set my hand at the
18 City of Walled Lake, County of Oakland, State of Michigan, this
19 7th day of October 2015.

20

21

22

23

Jennifer L. Wall CSR-4183
Oakland County, Michigan
My Commission Expires 11/12/15

24

25