REGULAR MEETING - ZONING BOARD OF APPEALS

CITY OF NOVI

May 10, 2016

Proceedings taken in the matter of the ZONING BOARD OF APPEALS, at City of Novi, 45175 West Ten Mile Road, Novi, Michigan, on Tuesday, May 10, 2016

BOARD MEMBERS

Cindy Gronachan, Chairperson
Jonathan Montville, Secretary
Linda Krieger
David Byrwa
Brent Ferrell
Mav Sanghvi
Joe Peddiboyna

ALSO PRESENT: Charles Boulard, Building Official
Beth Saarela, City Attorney
Lawrence Butler

Coordinator: Monica Dreslinski, Recording Secretary

REPORTED BY: Jennifer L. Wall, Certified Shorthand Reporter
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CHAIRPERSON GRONACHAN: Good evening. I’d like to call the May 10, 2016 Zoning Board of Appeals meeting to order. Please all rise for the Pledge of Allegiance.

(Pledge recited.)

CHAIRPERSON GRONACHAN: Monica, would you please call the roll.

MS. DRESLINSKI: Member Byrwa?

MR. BYRWA: Here.

MS. DRESLINSKI: Member Ferrell?

MR. FERRELL: Here.

MS. DRESLINSKI: Member Krieger?

MS. KRIEGER: Here.

MS. DRESLINSKI: Member Sanghvi?

MR. SANGHVI: Here.

MS. DRESLINSKI: Member Montville?

MR. MONTVILLE: Here.

MS. DRESLINSKI: Member Peddiboyna?
MR. PEDDIBOYNA: Here.

MS. DRESLINSKI: Chairperson Gronachan?

CHAIRPERSON GRONACHAN: Present.

Thank you.

I will alert everyone that we are short a board member, however, the alternate will have full voting rights tonight.

So with that, it will give a full board.

Public hearing format and rules are in the back of the room.

At this time, please turn off all your cellphones or any electronic devices that beep or ring or anything like that.

We have -- are there any changes or amendments to the agenda? Seeing none, the agenda stands.

All those in favor?

THE BOARD: Aye.

CHAIRPERSON GRONACHAN: The agenda is approved.

We had the minutes for the
March 15 meeting. Are there any changes, additions, subtractions is the minutes?

All those in favor of the March 15 minutes as printed say aye.

THE BOARD: Aye.

CHAIRPERSON GRONACHAN: March 15 minutes approved.

At this time, if there is anyone in the audience that wishes to make remarks to the board in reference to anything other than what's on the agenda this evening, you can please come forward now.

Seeing none, we will go ahead and call our first case.

PZ16-0012, 41150 South McMahon Circle, south of Ten Mile. Is the petitioner here. Come on down to the podium, please.

The applicant is requesting variances to allow construction of an attached garage with reduced sideyard setbacks for an existing non-conforming residence.

Would you please state your name, spell it for our recording secretary,
and then be sworn in by our secretary.

   MS. LYONS:  Nancy Lyons,

   L-y-o-n-s.

   MR. MONTVILLE:  Please raise your
   right hand.

   Do you swear to provide the
   truth in the testimony you are about to give?

   MS. LYONS:  Yes.

   CHAIRPERSON GRONACHAN:  Please
tell us why you're here.

   MS. LYONS:  I'd like to put on an
   attached garage, and I understand that the
   setbacks are different than what would be in
   if we put a garage on.  I have 28 feet to
   work with, and I want to put a 20-foot garage
   in that spot.

   And that's it.  I don't know
   what else to say.

   CHAIRPERSON GRONACHAN:  Okay.  Is
there anyone in the audience that wishes to
make comment on this case?  Okay. Building
department, if you can help out here a
little.

   MR. BOULARD:  There are a number
of homes in the development that are similar
size lots, in order to -- most of them -- many of them have garages. Very few, if any, that I'm aware of meet the current side setbacks and combined setbacks for the -- as would be required under the current zoning.

So in this particular case, the house is existing, it's existing non-conforming. There is not really a whole lot of room to build a garage, but it's not particularly inconsistent with the rest of the neighborhood.

CHAIRPERSON GRONACHAN: Thank you. Is there any correspondence?

MR. MONTVILLE: 46 letters mailed, zero returned, one approval from Carol E. Matthews, who is in favor of the garage being built. She notes the visual esthetics of having cars parked in the front and side of the house as opposed to in the garage.

CHAIRPERSON GRONACHAN: Okay. Thank you. Board members. Member Sanghvi.

MR. SANGHVI: Thank you. Good evening, ma'am. I came and saw your place and the only comment I had was, what are you
going to do with the (unintelligible) out there?

MS. LYONS: I am going to put a gate, you know, so my lawn service can get through the side. There is an eight foot -- I'll put an eight foot gate to attach to the rest of the fence.

MR. SANGHVI: Very good, thank you. I think in this Michigan weather you always need a garage, and this neighborhood has (unintelligible). I have no difficulty in supporting your application. Thank you.

MS. LYONS: Thank you.

CHAIRPERSON GRONACHAN: Anyone else? Member Montville?

MR. MONTVILLE: I would second those comments. This isn't self-created. It's an existing non-conforming lot.

I think the applicant is -- her request is not going to have any negative impact on the surrounding properties as proposed, so I would be in support as well.

CHAIRPERSON GRONACHAN: Is there a motion? Member Ferrell.

MR. FERRELL: I will take that
one. I move that we grant the variance in Case No. PZ16-0012, as sought by the petitioner.

The petitioner has shown no practical difficult requiring the garage that she wants to attach to the house -- to the house.

MS. LYONS: It will be.

MR. FERRELL: Without the variance, the petitioner will be unreasonably limited with respect to the use of the property, because the lot doesn't have a lot of room, echoing the city lots being non-conforming. The property is unique, the shape of the lot, the non-conforming. There is other residents in the neighborhood that do have garages as well. Petitioner did not create the condition, the lots being smaller in size, and then non-conforming as well.

The relief granted will not unreasonably interfere with adjacent or surrounding properties. There is other open areas (unintelligible).

The relief is consistent with the spirit and intent of the ordinance.
MS. KRIEGER: Second.

CHAIRPERSON GRONACHAN: It's been moved and seconded. Is there any further discussion?

(No audible responses.)

CHAIRPERSON GRONACHAN: Seeing none, Monica please call the roll.

MS. DRESLINSKI: Member Byrwa?
MR. BYRWA: Yes.

MS. DRESLINSKI: Member Ferrell?
MR. FERRELL: Yes.

MS. DRESLINSKI: Member Krieger?
MS. KRIEGER: Yes.

MS. DRESLINSKI: Member Sanghvi?
MR. SANGHVI: Yes.

MS. DRESLINSKI: Member Montville?
MR. MONTVILLE: Yes.

MS. DRESLINSKI: Member Peddiboyna?
MR. PEDDIBOYNA: Yes.

MS. DRESLINSKI: Chairperson Gronachan?
CHAIRPERSON GRONACHAN: Yes.

MS. DRESLINSKI: Motion passes
CHAIRPERSON GRONACHAN: Thank you. Your request has been granted, and I'm sure you'll be working with the building department. Congratulations.

MS. LYONS: Thank you very much.

CHAIRPERSON GRONACHAN: Okay.

Our next case is Maly Dental PZ16-0013, east of Novi Road and south of Ten Mile.

Is the petitioner here?

The applicant is requesting variances from the City of Novi to allow the location of a dumpster enclosure and loading area in the sideyard of the parcel proposed for development.

Good evening.

MS. ADAMS: Good evening.

CHAIRPERSON GRONACHAN: Would you please state your name and spell it for our recording secretary and then be sworn in.

MS. ADAMS: Yes, my name is Vionna Adams, spelled V, like victory, i-o-n, like Nancy, n, like Nancy, Adams.

MR. MONTVILLE: Please raise your right hand.
Do you swear to provide the truth in the testimony you are about to give.

MS. ADAMS: I do.

CHAIRPERSON GRONACHAN: You may proceed.

MS. ADAMS: Our site is a small dental office next to the existing Walgreens at Ten Mile and Novi Road.

We are asking for two variances, one for a loading zone located in the sideyard and the other for a -- for a dumpster enclosure located in the sideyard.

CHAIRPERSON GRONACHAN: The reason why you're asking for these variances?

MS. ADAMS: Neither will fit in the rear yard as the ordinance states. We have a storm water detention pond in the rear of the building that really does not -- that far away from the back of the building and will not allow for us to put either of those back there.

CHAIRPERSON GRONACHAN: Okay. Is there anything else you would like to add?

MS. ADAMS: No, I don't think so.

CHAIRPERSON GRONACHAN: Is there
anyone in the audience that wishes to make
comment on this case?

(No audible responses.)

CHAIRPERSON GRONACHAN: Seeing none, correspondence?

MR. MONTVILLE: There were 39 letters mailed, two returned, one approval from a Daniel Weiss, W-e-i-s-s, he is the owner to the property east and south and has approval, and has a comment that he believes it will be a benefit to the neighborhood.

CHAIRPERSON GRONACHAN: Thank you. Building department?

MR. BOULARD: The only thing I would indicate is that the site is a little bit unique in that it pushes the loading zone and the dumpster enclosure further south, towards the back of the property, but actually would put it closer to the future residential that's there. Because that is -- there is future residential to the south.

So it will be a little bit unique in terms of what actually the request would actually keep the loading and that dumpster farther from the residential.
Other than that, I will stand by for questions.

CHAIRPERSON GRONACHAN: Thank you very much. Board members? Member Sanghvi.

MR. SANGHVI: Thank you. First of all, I want to congratulate you for a very good application and plan.

And looking at all of that, I realize that you're between a rock and a hard place. And without this variance because of the presence of the detention and all of that, I don't think you have any other choice but to put the dumpster on the side. And also the other variance you need, so I have no problem supporting your application. Thank you.

MS. ADAMS: Thank you.

CHAIRPERSON GRONACHAN: Anyone else? Member Montville.

MR. MONTVILLE: Real quick in terms of the affect on the neighboring properties.

I think your application -- the application guys kind of commented on some of the landscaping around the dumpster.
Could you elaborate on the surrounding landscaping setback -- lack of negative esthetic effect of the dumpster.

MS. ADAMS: We have met all of the landscaping requirements around the site, but we also have the dumper in an enclosure, so the dumpster is in an enclosure that matches the building, and the dumpster enclosure also meets all the requirements, so the public will never actually see the dumpster.

MR. MONTVILLE: Thank you. With that noted, I'm agreeing with Member Sanghvi supporting the motion.

CHAIRPERSON GRONACHAN: Is there any other discussion?

I would entertain a motion. Member Montville.

MR. MONTVILLE: More than happy to.

I move that we grant the variance requested in Case No. PZ16-0013, sought by Maly Dental regarding the loading area, and then also the dumpster being separated.
In this particular instance, the petitioner would be unreasonably prevented with limited respect and use of the property, due to the basin in the back of the property, limiting the placement.

The property is unique because of the natural water basin in the back of the property, the south portion of the property.

The petitioner did not create this particular condition, again, because of the natural waterland to the south.

The uniqueness will not unreasonably interfere with the surrounding properties, as noted by the owners to the east and the south in their correspondence and also noted by the efforts made by the applicant to provide esthetic appeal as much as we can to the dumpster area.

And the relief is consistent with the spirit and intent of the ordinance.

For those reasons, I move that we grant the two variances as requested.

MR. FERRELL: Second.
MR. BOULARD: Might I suggest clarifying that the variance is to allow location of the dumpster enclosure and loading in the sideyard, if that's acceptable?

CHAIRPERSON GRONACHAN: We accept that.

MR. MONTVILLE: No problem.

CHAIRPERSON GRONACHAN: So it's been moved and second.

MR. FERRELL: Second.

CHAIRPERSON GRONACHAN: Any further discussion?

(No audible responses.)

CHAIRPERSON GRONACHAN: Monica, please call the roll.

MS. DRESLINSKI: Member Byrwa?

MR. BYRWA: Yes.

MS. DRESLINSKI: Member Ferrell?

MR. FERRELL: Yes.

MS. DRESLINSKI: Member Krieger?

MS. KRIEGER: Yes.

MS. DRESLINSKI: Member Sanghvi?

MR. SANGHVI: Yes.

MS. DRESLINSKI: Member
Montville?

MR. MONTVILLE: Yes.

MS. DRESLINSKI: Member

Peddibonia?

MR. PEDDIBOYNA: Yes.

MS. DRESLINSKI: Chairperson

Gronachan?

CHAIRPERSON GRONACHAN: Yes.

MS. DRESLINSKI: Motion passes seven to zero.

CHAIRPERSON GRONACHAN:

Congratulations and welcome to Novi. It's a beautiful building. Wish you much luck.

MS. ADAMS: Thank you.

CHAIRPERSON GRONACHAN: Our third case is PZ16-0014, Kennedy, 1201 South Lake Drive, south of Fourteen Mile and west of Novi. The applicant is requesting variances to allow construction of a second story addition to an existing non-conforming residence.

MR. KENNEDY: Good evening. I'm Marc Kennedy, M-a-r-c, K-e-n-n-e-d-y.

CHAIRPERSON GRONACHAN: Raise
your right hand and be sworn in.

MR. MONTVILLE: Do you promise to
tell the truth in the testimony you are about
to give?

MR. KENNEDY: Yes, yes.

CHAIRPERSON GRONACHAN: Please proceed.

MR. KENNEDY: Yes, our house is
non-conforming, we are too close to the road
setbacks. We'd like to continue -- we
already have the second floor on a part of
the house, we'd like to continue it over to
the remaining back of the house, so not any
wider, just going up.

CHAIRPERSON GRONACHAN: So there
wasn't a lot in your -- on the pages for us
to read, so you're -- the house is how big
currently?

MR. KENNEDY: Maybe 14 or 1,500
square feet.

CHAIRPERSON GRONACHAN: How much
more are you adding to the house?

MR. KENNEDY: Roughly 940 ish.

CHAIRPERSON GRONACHAN: So it's
just the one side that you're going to be --
but the overall increasing in the lot
coverage, is that correct?

MR. KENNEDY: No. The square
footage as far as like lot coverage is the
exact same. In front of the house or the
second story already, so we are going to go
over the garage area in the back, so no
change to the footprint of the lot at all,
just going up.

CHAIRPERSON GRONACHAN: Thank
you. Is there anything else you'd like to
add?

MR. KENNEDY: No, that's it.

CHAIRPERSON GRONACHAN: Is there
anyone in the audience that wishes to make
comments on this case?

(No audible responses.)

CHAIRPERSON GRONACHAN: Seeing
none, is there any correspondence?

MR. MONTVILLE: Yes, there were
96 letters mailed, 12 returned and three
approvals. First from Steve Brennan at 203
Henning Street, last name is spelled
B-r-e-n-n-a-n. He notes 100 percent support
of the request. And believes it would
improve the value of the overall neighborhood.

The second is from a Ron Maniewiski, M-a-n-i-e-w-s-k-i, at 1207 South Lake Drive. He notes after reviewing the plans, talking with the applicant, he grants his approval.

And the third is from Carol A. Packard, P-a-c-k-a-r-d, from 7435 Pontiac Trail, Northville, Michigan, she sends in her approval.

CHAIRPERSON GRONACHAN: Okay, thank you. Building department?

MR. BOULARD: Nothing to add. I will stand by for questions.

CHAIRPERSON GRONACHAN: Thank you.

Board members? Member Sanghvi?

MR. SANGHVI: Thank you. I came and visited your place yesterday, and in your neighborhood, you can't do any expansion without some kind of variances. And I think almost every lot over there is so small, it really can't fit anything without it.
And so I understand your difficulty. I do support that you need more room and that's the only way I can have it. So I would be quite happy to support your application.

MR. KENNEDY: I appreciate it.

Thank you.

CHAIRPERSON GRONACHAN: Anyone else? Member Byrwa.

MR. BYRWA: I have a question.

Have you gone over with the building department the special fire rating requirements of the building that close to the lot line?

MR. KENNEDY: Yes, I have. Charles specifically actually -- we had cut out a couple of windows. The builder, I don't know, he probably hasn't come in yet, he's waiting for -- to see how this goes before we get the details. But, yes, we will make adjustments.

MR. BYRWA: You're aware of it?

MR. KENNEDY: We do have some fire rating stuff on the west side -- east side.
MR. BYRWA: Thank you.


MS. KRIEGER: I move that we grant the variance in Case No. PZ16-0014, sought by the applicant, that the petitioner had -- will be unreasonably prevented or limited from using this property, and considering its topography and setbacks, it's already non-conforming, and therefore, the petitioner has not created this environment and the grant will not unreasonably interfere with adjacent or surrounding properties, will increase property values, and relief is consistent with the spirit and intent of the ordinance because it's consistent with the neighbors.

MR. FERRELL: Second.

CHAIRPERSON GRONACHAN: It's been moved and seconded.

Is there any further discussion?

(No audible responses.)

CHAIRPERSON GRONACHAN: Seeing
none, Monica, would you please call the roll.

MS. DRESLINSKI: Member Byrwa?
MR. BYRWA: Yes.
MS. DRESLINSKI: Member Ferrell?
MR. FERRELL: Yes.
MS. DRESLINSKI: Member Krieger?
MS. KRIEGER: Yes.
MS. DRESLINSKI: Member Sanghvi?
MR. SANGHVI: Yes.
MS. DRESLINSKI: Member Montville?
MR. MONTVILLE: Yes.
MS. DRESLINSKI: Member Peddiboyna?
MR. PEDDIBOYNA: Yes.
MS. DRESLINSKI: Chairperson Gronachan?
CHAIRPERSON GRONACHAN: Yes.
MS. DRESLINSKI: Motion passes seven to zero.
CHAIRPERSON GRONACHAN: Your variance has been granted. Congratulations. I'm sure you will be in touch with the building department.

MR. KENNEDY: Thank you very
CHAIRPERSON GRONACHAN: Our next case is PZ16-0016, resident at 1623 West Lake Drive, south of Pontiac Trail, east of Beck.

The applicant is requesting variances for a new home on a reduced -- with reduced sideyard setbacks and confirmation of compliance with a two and a half story 35-foot maximum building height and oversize vertical projections of two feet into each side setback.

You are the Doans, correct?

MS. DOAN: Yes.

CHAIRPERSON GRONACHAN: Would you please state your names for the recording secretary and spell them and then be sworn in if you are both giving testimony this evening.

MS. DOAN: It's Hong Doan, H-o-n-g, last name D-o-a-n. Actually his last name is different, but he is my husband.

MR. TRAN: First name is X, as in x-ray, u-a-n, as in Nancy, last name Tran, T, as in Tom, r-a-n, as in nancy.

MR. MONTVILLE: Will you please
both raise your right hand. Do you swear to provide the truth in the testimony you are about to give?

    MS. DOAN: Yes.

    MR. TRAN: We do.

    CHAIRPERSON GRONACHAN: You may proceed.

    MS. DOAN: So in the next few slides here, it's a summary, it's a 40-foot wide lot. It's on Walled Lake. So we are asking for the side setbacks and the total side setback and a confirmation of a half story, and the maximum height, and also the vertical projections, we will go into detail in the next few slides.

    So the next few slides, I also will -- we will go into some community considerations of the neighborhood, so -- it's hard to see, but we took a Google view just to show the proposed footprint is approximately very similar to the old footprints around the neighborhood.

    So the next one is -- so to take into consideration the neighbor's views, our -- the front of our house, the lakeside
is actually setback further than the north and south neighbor.

So the next one is -- so the new house footprint -- there is an existing house there today, so the actual new footprint is actually about two feet more narrow than the existing house.

And also with the request of the 7.6 and the 7.1 setback, it's more centered.

The setbacks today to the south is 4.6 -- I'm sorry, four and a half foot and the north is about eight feet and eight inches. So we will actually be moving it more towards the center and the majority of the house is about two feet narrower than what's there -- in the lot coverage, but it's under the 25 percent.

This is -- it's a nice -- it's something that there is an electrical line that runs overhead from the north neighbor into the existing house today. We are already talking to DTE to see how we can bury that line underground once the new construction gets started.
So this is the confirmation of the half story and the maximum height. So in the ordinance -- or the building code, it says that the maximum height is 35. It's measured from the middle of the gable roof and what was shown at the bottom there is our house to the left.

While the profile of the house on the left, and actually, the way we have it, is 35 is the maximum at the highest point of that building.

So we believe that we are under the 35 feet, and then the lakeside is more like a sunroom, and the rear side, about half of it is storage because this house will not have a basement, it's on a slab.

So on the next one, it just shows here that there is -- to avoid the box, because if we just put a 90 by 24 on the lot, it will look like a box. So the middle of it, if you read, we just cut and pasted it, so it says that the vertical projection is up to 10 feet, actually ours is nine feet in length. And they cannot occupy more than 30 percent, it's actually less than
10 percent.

So the variance here -- the variance here is -- if you look at the way it's calculated, the setback on one side can only be 15.2, and on the other side it can only be 14.2, but because of the narrow lot, we're actually asking for a few more inches to make it a two feet projection, the vertical projection out, but only nine feet wide.

MR. TRAN: On the screen right here, this is the actual footprint of the house. You can see where the actual projections are and how -- what their size are relative to the entire length of the house. So they're not -- the point being they're not major features in the house, but they're large enough to not make the house slab side, which was one of the things that neighbors had inquired about, so --

MS. DOAN: That's all. You have any questions?

CHAIRPERSON GRONACHAN: Very impressive. Very thorough.

Is there anyone in the
audience that wishes to make comment. Please come down.

MS. FRAYNE: Do you want me to identify myself?

CHAIRPERSON GRONACHAN: Please, and your address.

MS. FRAYNE: Arlene Frayne. I live -- I own the property directly across the street from these people.

Let me just -- I jotted it down here. We all live on or near Walled Lake to enjoy the lake. So I have second row property, not being on the lake, I am across the street from the people on the lake. I'm at 1620 West Lake. So my reason for wanting my house where it is to see the lake.

I understand that the lot in question is very narrow and that it's hard -- impossible to build on it as-is. I also understand that the people have a right to develop the lot. I am looking forward to the new construction, the new house, believe me. But my concern is the width of the house because my views of the lake come between the
houses, and that's my love for the location is to be able to catch a glimpse of both and so forth, and I only have just narrow gaps between the homes to catch a view. And I face the lake, you know, it's -- my house isn't this way that I'm looking out this way. Front of my house is parallel to the edge of the lake.

So my concern is losing any of my viewpoints. I realize they maybe have to be reduced. But I guess one possible solution would be instead of the projections, as I understand them, coming out from two feet on each side, maybe they could come out one foot on each side or, you know, any little projection on their house cuts off a view of the lake, so that's my concern.

CHAIRPERSON GRONACHAN: Okay.

Anything else?

MS. FRAYNE: No.

CHAIRPERSON GRONACHAN: All right. Thank you. Is there anyone else in the audience?

MR. KENNEDY: Marc Kennedy again. As a fellow lakefront property owner, I am
all for this, it looks great. Anything that
increases the value of the neighborhood, is
awesome, so I just want to put that out
there. I love it. It looks great. Look
forward to seeing this property.

CHAIRPERSON GRONACHAN: Thank
you. Anyone else?

Is there any correspondence?

MR. MONTVILLE: There were 44
letters mailed, zero approvals and one
objection letter from Ms. Frayne, she gave
her testimony in here. The correspondence
reiterates the point she made in her
testimony.

CHAIRPERSON GRONACHAN: Thank
you. Building department.

MR. BOULARD: Nothing to add,
standby for questions.

CHAIRPERSON GRONACHAN: Okay.

Board members? Member Sanghvi.

MR. SANGHVI: Thank you. I came
and visited that lot. It's not really easy
to find such a small lot. And I don't think
you can put anything without variances. I
also appreciate the lady's concern that it
will not harm the view, but whenever you put up, somebody's view is always going to be blocked because a vacant lot is easy to see through a vacant lot. Nothing there to block it.

So if you can accommodate her concerns, if you would very nice. But I support your application. Thank you.

MR. TRAN: Just for clarity, for the board, the lot is -- it's not a lot. It's a property with two story cottage on it already, with a gable roof and the house existing, the cottage existing is wider than the house that we are proposing. So this is the second time we have been in front of the board. The first time we were rejected, one of the things that we did in this redesign was to make the house a lot smaller footprint, both length and width.

So I mean, I appreciate the neighbor's concern.

MS. DOAN: Let me answer a little bit more. If you look at the --

CHAIRPERSON GRONACHAN: Ma'am, let the board members, then we will let Luzod Reporting Service, Inc.
313-962-1176
you -- we will come back to you. Then that way you can address all of it, if there is anything else that comes up, okay.

MR. PEDDIBOYNA: Well, this is the first time I am hearing your case and you are saying that last time was the (unintelligible).

MR. TRAN: The reason was because the original setbacks that we had asked in the first design of the house, was considered too small on one side. So it was considered too tight for some of the neighbors. Because if you look at the house -- the existing house today, it was biased towards the other neighbor. So when we designed the house, we had pushed through the other -- we had pushed to the other side because one of the things that we were asked about was the emergency service vehicle. So since the northern neighbor had a fence, and it was not going to remove it, the southern neighbor had a fence instead, would remove it. So we could share that as an emergency access.

So, you know, being kind ignorant to everything that -- we did what we
did and we were rejected, accordingly. So this time around we decided to center it, make a house. Like I said, it's smaller than it was before and shorter than it was before.

MR. PEDDIBOYNA: How short is that now?

MR. TRAN: The prior house was actually kind of split into two with a courtyard in the middle because it was our dream house. But we were -- I think we were dreaming too much, so just trying to get more practical this time around. And also keep within the lot coverage before again, dreaming, we were asking to go over the coverage. So we have tried to answer as many concerns as possible with this second design.

MR. PEDDIBOYNA: Is there any -- are you able to make some setback for one feet -- another foot of the neighbor's view, the beauty of the lake, is there any problem for you to setback --

MR. TRAN: It would be difficult because the design of the middle house right here, the projection is a flat roof, and that
was required to keep the pitch of the house -- one of the concerns that the department -- building department had was drainage of rain water, and so the -- part of reason for the setback depth of two feet is to add scuffers and drains that will take water underground off those four corners there, into a common drainage, and send it to the lake.

So to shorten it down to one foot would make it very problematic for like corner -- it's actually something that we considered with our building contractor a long time ago. I mean, I can appreciate the concern, but it was actually something that we tried to consider by minimizing the house from the first time around.

CHAIRPERSON GRONACHAN: Member Byrwa.

MR. BYRWA: I just want to comment, you know, my feeling is that if you wanted to guarantee a view of the lake, you buy the lakefront piece of property. You know, there isn't anything worse than what was already there, you know, you're still
maintaining reasonable sideyard setbacks. So I would be in favor of -- as proposed approving this.

CHAIRPERSON GRONACHAN: Anyone else?

I would just like to commend you on the amount of work that you did in your packet. I think that we should use your packet as an example of how it should be done.

Having said that, when we look at a packet, we look at all this information, I realize the level of commitment that a resident is going to make into their home. You know, I do remember when you came before the Zoning Board, I think that was in my former life, and it was quite an extensive house. And sadly we had to reject it at that time, but I feel that you went back to the drawing board, which was my favorite phrase, and you really did do your homework.

You addressed the one concern that I had because of the flat roof, was because of the drainage, and where the
water was going to go and to make sure that there was no negative impact to the neighbors.

And I feel that in your statements that you gave in your testimony this evening that has been addressed, and I just want to clarify that there is going to be underground drainage and it's going to go out to the lake, so there should be very minimum impact, if any, in terms of water drainage from the flat roof. So I have no problem with this.

I can sympathize with the neighbors, when there is any kind of growth going on out there, but unfortunately, it's just the way it is, and I think that this petitioner has done the minimum for the size lot that they have, and I commend you for coming back and putting in such effort.

And if anyone would like to make a motion. Member Krieger.

MS. KRIEGER: In Case No. PZ16-0016, I move to grant the variance requested sought by the petitioner that they showed a practical difficulty and through the
presentation as previously spoken, the amount of work that was put into play to come up with a house that would -- on this non-conforming narrow lot, and that they have done the best that they could, that they have the drainage taken care of water worries into -- so if the water would drain to the lake, there will be, despite the protrusions from the house, so it's not flat on both sides, so they would -- around five feet on both sides, that the variance will not unreasonably prevent or limit the respect to the property because of this and is unique because of the narrowness and they did not create the condition.

The relief will not unreasonably interfere with adjacent or surrounding properties because they minimized the amount of space between homes, so that for fire safety, for water drainage and for -- consistent with the neighbors and it is also consistent with the spirit and intent of the ordinance.

MR. FERRELL: Second.

CHAIRPERSON GRONACHAN: It's been
moved and seconded. Any further discussion?

(No audible responses.)

CHAIRPERSON GRONACHAN: Monica, would you please call the roll.

MS. DRESLINSKI: Member Byrwa?
MR. BYRWA: Yes.

MS. DRESLINSKI: Member Ferrell?
MR. FERRELL: Yes.

MS. DRESLINSKI: Member Krieger?
MS. KRIEGER: Yes.

MS. DRESLINSKI: Member Sanghvi?
MR. SANGHVI: Yes.

MS. DRESLINSKI: Member Montville?
MR. MONTVILLE: Yes.

MS. DRESLINSKI: Member Peddiboyna?
MR. PEDDIBOYNA: Yes.

MS. DRESLINSKI: Chairperson Gronachan?
CHAIRPERSON GRONACHAN: Yes.

MS. DRESLINSKI: Motion passes seven to zero.

CHAIRPERSON GRONACHAN: Congratulations. Your
variances have been granted and good luck on your new home.

MS. DOAN: Thank you.

MR. TRAN: Thank you.

CHAIRPERSON GRONACHAN: Our next case is PZ16-0017, 1019 South Lake Drive, south of Fourteen Mile and east of West Park. The applicant is requesting variances to allow construction of an addition to an existing non-conforming residence, with reduced sideyard setback, reduced aggregate side setback and excess lot coverage. Petitioner is here this evening? Would you please state your name and spell it.

MR. NOONAN: My name is Mike Noonan, M-i-k-e, N-o-o-n-a-n.

CHAIRPERSON GRONACHAN: Would you raise your right hand and be sworn in by our secretary.

MR. MONTVILLE: Do you swear to provide the truth in the testimony you are about to give?

MR. NOONAN: I do. Thank you.

CHAIRPERSON GRONACHAN: You may
MR. NOONAN: I live at the property at 1910 South Lake Drive. It's an irregular lot. And we are trying to put a garage in there so we can keep the skateboards, kayaks, bikes, that currently are out in the open and insecure. Currently the houses both to the east and west of me all have garages and we don't, so we are just asking for -- to have what, you know, the neighborhood has, a garage to keep all of our stuff in.

The three -- we are asking for like a three foot, which the one -- the house directly to the west of me has a three foot, and then a four foot to our house, and the spot we are putting ours would have a three foot and then 18 foot to the next structure.

So we are just trying to get a garage and actually keep a smaller footprint than is existing on the street.

CHAIRPERSON GRONACHAN: Do you have your diagram with you? If you could put that up, take a look at it.
MR. NOONAN: This would be the neighbor to the west, which would have the four foot, three inches and then it would be four foot to my house. The other lot would be -- the other side would be 18 feet from the -- where the structure is going to be built.

CHAIRPERSON GRONACHAN: Okay. Is there anything that you like to add?

MR. NOONAN: Would you like to see a picture of where it's going to go?

CHAIRPERSON GRONACHAN: Sure. Whatever information you have, now is the time.

MR. NOONAN: So that would be -- the trailer would be where the garage would be going.

CHAIRPERSON GRONACHAN: Okay. Anything else?

MR. NOONAN: I think that's it. Is there anyone in the audience that wishes to make testimony on this case?

(No audible responses.)

CHAIRPERSON GRONACHAN: Seeing none, is there any correspondence?
MR. MONTVILLE: Yes, there were 59 letters mailed, nine returned, two approvals.

And first is from the Murphys, M-u-r-p-h-y-s, at 1107 South Lake Drive. They note their approval. And second from Douglas Heath, 905 South Lake Drive also noting his approval.

CHAIRPERSON GRONACHAN: Building department?

MR. BOULARD: Nothing to add, will stand by for questions.

CHAIRPERSON GRONACHAN: Board members? Member Sanghvi.

MR. SANGHVI: I came and saw your place. It is so narrow and small I don't know where else you can go without the variances. And it's like most of the lots in this neighborhood. I mean, yours is not an exception. And there is a lot of new construction occurring, and the whole neighborhood has changed in the last ten years. So I wish you luck. Hopefully it will help grow the property around that neighborhood. Well done, thank you.
CHAIRPERSON GRONACHAN: Anyone else? Member Montville.

MR. MONTVILLE: Without the garage, one of the criteria we have to judge a lot of these variances is the need self-created, without the pre-existing garage, I think that's fair to say. But that was my hesitation when I was first looking at the case, everyone wants more storage space, but I think in this case, the need is warranted it. It truly is not self-created, the lack of garage of the pre-existing conditions.

So with that said, I'm also in favor of the variance as requested.

CHAIRPERSON GRONACHAN: Okay. Anyone else? Do you have the plan of what it's going to look like when it's done on there with you?

So you're going to be -- forgive me, because I am not good at looking at these prints, I have to drag out and get a visual.

Are you going to have two roof lines?
MR. NOONAN: We are going to change the architecture of the house. The garage -- it's not going to come to the full front of the house. We are going to be, I believe -- it won't come all the way to the front of the house now from the setback, I believe six foot in the front. And I guess the roof line will change, but will stay with the same line as the garage.

CHAIRPERSON GRONACHAN: That's even better. All right. Then I have a question for the building department.

In lieu of the different pitches of the roof, I'm not an engineer, I'm an insurance agent. But my concern was, does this add to drainage problems, maybe because it was raining this morning, my neighbor's water running into my yard, but is this going to change because there is going to be two different pitches to this house? Is there going to be any kind of concern for additional drainage, or is that anything that needs to be addressed?

MR. BOULARD: I think the fact that there is two different pitches it's
probably going to make a difference. What is going to be -- something that we'll look at and work with everyone to resolve us of the fact that we are adding additional surface, water is going to runoff, we are running half of the water off each part of the house into the -- you know, into the side setback, which is now reduced.

So, you know, it will just take a fair amount of care to make sure that that doesn't create a nuisance.

MR. DOWNER: Can I touch on that?

CHAIRPERSON GRONACHAN: Yes. You need to come up to the mike, please. You need to give us your name and we need to swear you in.

MR. DOWNER: I'm Bill Downer with J and B Contractors.

CHAIRPERSON GRONACHAN: Would you raise your right hand and be sworn in.

MR. MONTVILLE: Do you swear to tell the truth in the testimony you are about to provide?

MR. DOWNER: Yes, I do.

CHAIRPERSON GRONACHAN: Proceed.
MR. DOWNER: If you look at the existing garage or the existing driveway of the house, that entire front yard is asphalt. There is no impervious surfaces being covered, it's already impervious now, so we are not really changing any of the water runoff. It's all going to hit asphalt and be addressed from there, just like it is now.

The only difference is it's going to hit the house before it hits the ground. We are not covering the grass.

CHAIRPERSON GRONACHAN: Thank you for the clarification. I appreciate that.

Any other comments, board members?

(No audible responses.)

CHAIRPERSON GRONACHAN: Seeing none, is there a motion? Member Ferrell.

MR. FERRELL: Yes, Madam Chair. I move that we grant the variance in Case No. PZ16-0017, sought by the petitioner.

The petitioner showed practical difficulty. Without the variance, petitioner will be unreasonably prevented and limited with respect to the use of the
property. The property is unique because of the narrowness of the lots. The petitioner did not create the condition because due to the non-conforming lots and not having a current garage on-site. Relief granted will not unreasonably interfere with adjacent or surrounding properties, because it would be in line with the other residents in the neighborhood.

The relief is consistent with the spirit and intent of the ordinance.

MR. SANGHVI: Second.

CHAIRPERSON GRONACHAN: It's been moved and seconded. Is there any further discussion?

Monica, would you please call the roll.

MS. DRESLINSKI: Member Byrwa?

MR. BYRWA: Yes.

MS. DRESLINSKI: Member Ferrell?

MR. FERRELL: Yes.

MS. DRESLINSKI: Member Krieger?

MS. KRIEGER: Yes.

MS. DRESLINSKI: Member Sanghvi?

MR. SANGHVI: Yes.
MS. DRESLINSKI: Member Montville?

MR. MONTVILLE: Yes.

MS. DRESLINSKI: Member Peddiboyna?

MR. PEDDIBOYNA: Yes.

MS. DRESLINSKI: Chairman Gronachan?

CHAIRPERSON GRONACHAN: Yes.

MS. DRESLINSKI: Motion passes seven to zero.

CHAIRPERSON GRONACHAN: Your variances have been granted. Good luck. Congratulations. I'm sure you will be working with the building department.

Our final case this evening PZ16-0018, 43825 West Oaks, west of Novi and south of Twelve Mile.

The applicant is requesting a variance to allow installation of an oversized and overheight replacement shopping center sign. The proposed sign would be 36 feet high and 147 square feet.

Good evening. Are you both going to be giving testimony this evening?
MR. SIEWART: I think she will ask me to verify things and that will be produced.

CHAIRPERSON GRONACHAN: Then I need both of your names and need both of you sworn in, please.

MS. RUTZ: My name is Carol Rutz.

MR. SIEWART: Bill Siewart.

CHAIRPERSON GRONACHAN: Could you raise your right hands to be sworn in.

MR. MONTVILLE: Do you swear that you will provide the truth in the testimony you are about to give?

MS. RUTZ: I do.

MR. SIEWART: Yes.

CHAIRPERSON GRONACHAN: This is the existing sign that is located at West Oaks II shopping -- I mean, West Oaks I shopping center in Novi on Novi Road.

As you can see, it really needs to be renovated. We have -- Bill has designed a new prototype for us, which includes another area for a sign face, if we should need it. We are excited about the new plan because it more represents the type of
tenants that now are coming to the shopping center.

We have the Container Store opening first week in June and then Nordstrom Rack later on in fall -- or later on in the summer.

So this is the design that Bill came up with. It's the same size other than where it's squared off on the top. And it adds another panel, so basically the existing sign has four sign faces, this would give us the opportunity to have another.

CHAIRPERSON GRONACHAN: Yes.

Building department?

MR. BOULARD: If I could jump in. The sign that was -- the previous sign that you had submitted when you submitted for the applicant, it didn't have the extra panel, that's what was advertised for.

So at the time that you submitted the sign with the additional panel, the advertisement had already gone out, so what's before the board tonight is the previous one that didn't have that white sign at the bottom.
I just want to make sure we are on the right page.

MR. SIEWART: Our mistake. This is the sign we are proposing at this time.

CHAIRPERSON GRONACHAN: Anything else? Is there anyone in the audience that wishes to make comment? Seeing none, is there any correspondence?

MR. MONTVILLE: There were 37 letters mailed, two returned, zero approvals, and zero objections.

CHAIRPERSON GRONACHAN: Okay. Building department, do you have anything else to offer?

MR. BOULARD: Nothing to add. Stand by for questions.

CHAIRPERSON GRONACHAN: Thank you. Board members? Notice I looked over here right way.

MR. SANGHVI: Give somebody else a chance.

CHAIRPERSON GRONACHAN: I have a question. Is it possible -- the location where the sign is, can it be moved closer to the road or is that even -- not in the
right-of-way, but is that something that is a possibility?

MR. BOULARD: I don't know what the current dimensions or the current setback of the sign is. It may be possible, it may not. Usually their signs are pushed up about as far as they can go.

MR. SIEWART: That's pretty normal.

CHAIRPERSON GRONACHAN: Do you know how far?

MR. SIEWART: I did not measure that.

CHAIRPERSON GRONACHAN: The only reason why I'm asking -- I know I have gone out of turn, I'm going to say this because I spent a great deal of time over the last week due to the traffic coming and going, and sitting and staring at your sign.

So I stared at it from the south, I stared at it from the north, from the west, and I think it's a great idea to have that kind of sign and I love your complex, but you can't see it coming from the south. And when you're going -- when you're
coming from the south, and when you're headed south, by the time you see it, it's too late to turn in. That's why I'm suggesting -- that's why I bring that question up. So I don't know if that's in our jurisdiction or whatever, but I mean you're going through all of this money, it should serve a purpose. And the trees block it.

So it almost defeats the purpose of having that height of a sign and if it's truly for identification, during the winter it's great, but during the spring and summer it doesn't do -- that is such is a busy intersection, it's just a shame that you couldn't move it five feet up --

MS. RUTZ: We are going to work on trimming the trees.

CHAIRPERSON GRONACHAN: If that's within in your area, that would be great because that would help you a great deal.

MS. RUTZ: Thank you.

CHAIRPERSON GRONACHAN: Sorry.

Go ahead. Did you have anything else?

MR. MONTVILLE: I was going to comment that the size is virtually the same,
added a little variation to the top. Other than that, just making it look better esthetically, it's all positive what from what I can see from the sign request.

CHAIRPERSON GRONACHAN: Anyone else? Member Krieger?

MS. KRIEGER: How are you going to light it up for nighttime, is it going to be the same or LED?

MR. SIEWART: It's an LED, converted to LED.

MS. KRIEGER: So it will be brighter?

MR. SIEWART: Same brightness.

CHAIRPERSON GRONACHAN: Anyone else? Member Ferrell?

MR. FERRELL: Do you guys want the other part of the bottom of the sign?

MS. RUTZ: That would be wonderful.

MR. BOULARD: We would have to renotice because it will be an increase in the area. We advertised for the specific area of the sign so we would have to renotice and send out all the letters again.
MR. FERRELL: Okay, something you guys want to do?

MS. RUTZ: Yes.

CHAIRPERSON GRONACHAN: So you would like to have this postponed until next month, so they can readvertise it?

MS. RUTZ: With the Container Store opening early next month, I would like to have it renovated and looking nice for that, and then possibly come back and try to get that existing panel on the bottom. Bill's design can be added later.

MR. SIEWART: Correct.

CHAIRPERSON GRONACHAN: Is that okay?

MS. SAARELA: They can always request a different variance in the future.

CHAIRPERSON GRONACHAN: Then we will move forward. Thank you. Anything else?

(No audible responses.)

CHAIRPERSON GRONACHAN: Is there a motion? Member Krieger.

MS. KRIEGER: In Case No. PZ16-0018, I move that we grant the request
from the petitioner for West Oaks, that the petitioner will not reasonably be prevented or limited with respect to the property because of their longstanding business with Novi.

The property is unique, it’s across the street from Twelve Oaks, which is in a bowl and their topography can make it difficult at times for the sign to be viewed.

The petitioner did not create the condition.

The relief granted will not unreasonably interfere with the adjacent or surrounding properties, but will enhance the new design, will match the buildings new area and they explained how the lighting would be and would enhance revenue for the shopping areas.

The relief is also consistent with the spirit and intent of the ordinance because of its part of Novi history.

MR. SANGHVI: Second.

CHAIRPERSON GRONACHAN: It's been moved and second. Any further discussion?
(No audible responses.)

CHAIRPERSON GRONACHAN: Seeing none, Monica, can you please call the roll.

MS. DRESLINSKI: Member Byrwa?
MR. BYRWA: Yes.

MS. DRESLINSKI: Member Ferrell?
MR. FERRELL: Yes.

MS. DRESLINSKI: Member Krieger?
MS. KRIEGER: Yes.

MS. DRESLINSKI: Member Sanghvi?
MR. SANGHVI: Yes.

MS. DRESLINSKI: Member Montville?
MR. MONTVILLE: Yes.

MS. DRESLINSKI: Member Peddiboyna?
MR. PEDDIBOYNA: Yes.

MS. DRESLINSKI: Chairperson Gronachan?
CHAIRPERSON GRONACHAN: Yes.

MS. DRESLINSKI: Motion passes seven to zero.

CHAIRPERSON GRONACHAN: Congratulations. Your variance has been granted and best of luck.
Congratulations on all the businesses that are coming into your shopping center. We will be visiting.

MR. BYRWA: Just a quick comment. You know, if you come next month with the Container Store sign, you might want to backtrack if there is any information on the footings design, we would need some kind of documentation to kind of confirm that the footings will support the additional signage because now we will have an increase in square footage. Normally they overdesign or they overkill the footings, things like that. But it would probably be well served to, you know, have somebody look at the footings drawings and confirm, an engineer, structural engineer or sign engineer that with the increased square footage now, the footings would support that, without having to alter the footings.

MR. SIEWART: Correct.

MS. RUTZ: Thank you.

CHAIRPERSON GRONACHAN: Are there any other matters that the board wishes to discuss? Yes, building department.
MR. BOULARD: Not to prolong the meeting, I just wanted to mention two months ago there was a case before you for a property on Novi Road and Cottisford for a -- the request was actually to allow additional lot without frontage on a public street.

There was an amount of -- quite a bit of discussion, there was -- I think a little early in the process to talk about, and it was -- that was delayed until tonight, to be taken up again, but the applicant has withdrawn. So that is why it wasn't on the agenda.

CHAIRPERSON GRONACHAN: Thank you for that update. Anything else? Member Krieger?

MS. KRIEGER: You're Lawrence Butler?

MR. BUTLER: Yes.

MS. KRIEGER: Who are you?

CHAIRPERSON GRONACHAN: This is Lawrence, and he is Tom Walsh's replacement. He's a future Tom Walsh in training, only it will be Larry instead. Welcome again.

MR. BUTLER: Thank you.
CHAIRPERSON GRONACHAN: Anything else? We do -- the only thing I wanted to add and I wanted to clarify, because I got some looks, but Member Peddiboyna is still the alternate. I did receive word that the City Council, when they get a chance, they're going to make him a permanent member. Then they will be posting for the alternate position. However, until that gets official, he gets resworn in as a permanent member, he will still be referred to as the alternate until further notice.

So having said that, is there a motion to adjourn?

MR. SANGHVI: So moved.

MS. KRIEGER: Second.

CHAIRPERSON GRONACHAN: All those in favor.

THE BOARD: Aye.

CHAIRPERSON GRONACHAN: Meeting adjourned.

(The meeting was adjourned at 8:00 p.m.)

** ** **
STATE OF MICHIGAN   )
COUNTY OF OAKLAND   )

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

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

IN WITNESS THEREOF, I have hereunto set my hand at the City of Walled Lake, County of Oakland, State of Michigan, this 7th day of June 2016.

Jennifer L. Wall CSR-4183
Oakland County, Michigan
My Commission Expires 11/12/15