REGULAR MEETING - ZONING BOARD OF APPEALS
CITY OF NOVI
December 9, 2014

Proceedings taken in the matter of the ZONING BOARD OF APPEALS, at City of Novi, 45175 West Ten Mile Road, Novi, Michigan, on Tuesday, December 9, 2014

BOARD MEMBERS
Brent Ferrell, Chairperson
Mav Sanghvi
David Ghannam
Cynthia Gronachan
Rickie Ibe
Linda Krieger

ALSO PRESENT: Thomas Walsh, Building Official
Beth Saarela, City Attorney
Coordinator: Angela Pawlowski, Recording Secretary

REPORTED BY: Jennifer L. Wall, Certified Shorthand Reporter

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Novi, Michigan.
Tuesday, December 9, 2014
7:00 p.m.

CHAIRPERSON FERRELL: Call to order the December 9, 2014 regular scheduled Meeting of the Zoning Board of Appeals.

Everybody please rise for the Pledge of Allegiance led by Mr. Ghannam.

(Pledge recited.)

CHAIRPERSON FERRELL:
Ms. Pawlowski, can you call the roll, please.

MS. PAWLOWSKI: Member Ghannam?
MR. GHANNAM: Here.
MS. PAWLOWSKI: Member Gronachan?
MS. GRONACHAN: Here.
MS. PAWLOWSKI: Member Ibe?
MR. IBE: Present.
MS. PAWLOWSKI: Member Krieger?
MS. KRIEGER: Present.
MS. PAWLOWSKI: Member Sanghvi?
MR. SANGHVI: Here.
MS. PAWLOWSKI: Chairperson Ferrell?

CHAIRPERSON FERRELL: Here.

This is a public hearing and rules of conduct, when you are called up, raise your right hand and be sworn in by the secretary, and state and spell your name for the reporter.

We ask that any cellphones or pagers be turned off at this time.

Approval of the agenda. Any additions or --

MS. PAWLOWSKI: Yes, Case No. PZ14-0056 at 43741 West Oaks Drive has asked to be put on hold until they consider new information.

MR. GHANNAM: You just want us to adjourn without a date, can we do that?
MS. SAARELA: You can do that.
It just has to be renoticed when they decide.
MR. GHANNAM: I'll move to adjourn Case No. 5, PZ14-0056 without a date.
MR. IBE: Second.
CHAIRPERSON FERRELL: A motion and a second, all in favor say aye.

THE BOARD: Aye.

CHAIRPERSON FERRELL: Any opposed?

(No audible responses.)

CHAIRPERSON FERRELL: Seeing
none, it's been tabled or rescheduled?

   MS. PAWLOWSKI: Just on hold for now.

   CHAIRPERSON FERRELL: On hold.

   Any other changes to the agenda?

   MS. PAWLOWSKI: No.

   MR. GHANNNAM: I will move to approve the agenda as amended.

   MS. GRONACHAN: Second.

   CHAIRPERSON FERRELL: We have a motion and a second, all in favor say aye.

   THE BOARD: Aye.

   CHAIRPERSON FERRELL: Any opposed?

   (No audible responses.)

   CHAIRPERSON FERRELL: Seeing none we have an agenda.

   Onto the minutes. Any changes or additions to those?

   (No audible responses.)

   CHAIRPERSON FERRELL: Hear a motion?

   MR. SANGHVI: So moved.

   MS. GRONACHAN: Second.

   CHAIRPERSON FERRELL: Motion and a second, all in favor say aye.

   THE BOARD: Aye.

   CHAIRPERSON FERRELL: Any opposed?

   (No audible responses.)

   CHAIRPERSON FERRELL: Seeing none. Approval of the minutes.

   Public remarks. Down to Case No. PZ14-0051 – any public remarks to any cases that are not being heard this evening, anybody like to address the board?

   Seeing none, moving onto the first case, PZ14-0051, 45065 Nine Mile Road. Please come up to the podium.

   Raise your right hand and be sworn in by the secretary.

   State and spell your name for the reporter.

   MS. CERGET: Stacey Cerget, C-e-r-g-e-t.

   MR. GHANNNAM: Raise your right hand. Do you solemnly swear or affirm to tell the truth in this case?

   MS. CERGET: I do.

   MR. GHANNNAM: Please proceed.

   MS. CERGET: May I present some
pictures to the board.

    CHAIRPERSON FERRELL: Yes.

    MS. CERGET: Good evening. As
you may recall, some of you weren't here at
the last meeting, when we were here at the
last meeting and one of the items of
contention was that they didn't understand
what type of van we were trying to enclose
into the structure that we are proposing on
this site.

    So what I have in front of you
today is a copy of the van, that would be a
passenger van for residential purposes, not
for commercial purposes.

    Additionally, we attached
pictures of the site so you see how depressed
that portion of the site is.

    In the back corner of the
site, as you can see on picture two, there is
a brick wall, which is four feet high with a
gate fencing on top of it, which is an
additional four feet high.

    So that the height of the
structure wouldn't be more than the five feet
above the top of that fence.

    And then you can see the
adjacent property behind it, which is an
additional six feet higher to their garage
floor from our site.

    Then the next picture you can
see what it would look like from the street
in the following two pictures, so you would
see the garage structure would be
substantially lower that the average grade of
the house.

    Then the last picture is a
picture standing from the garage of the house
behind the property looking down on it.

    The structure specifically is
designed to be compatible with the house, so
it will be limestone and brick, it will be
very pretty.

    The inside of the van, which I
wasn't able to get pictures to you all, has
passenger seating just like you would see in
a regular van. I have that brochure here as
well.

    CHAIRPERSON FERRELL: Thank you.

Anybody in the audience have comments about
this case? Please come down.

    (No audible responses.)

    CHAIRPERSON FERRELL: Seeing
none, open it up the city. Did you have
comments or anything like to add?
MR. WALSH: No comments at this
time.
CHAIRPERSON FERRELL: Open it up
to the board for discussion.
MR. GHANNAM: I have got some
questions for you, ma'am.
Remind me, how tall is this
van?
MS. CERGET: How tall is the --
MR. GHANNAM: How high is this
the van off the ground, like the roof of this
van?
MS. CERGET: Ten feet. It's
about 10 feet. I have got the specs.
MR. GHANNAM: It's a 10-foot van?
MS. CERGET: It's 144 inches,
excuse me, it's 12 feet to the top of the air
conditioning unit.
The current garage structure
only has eight foot garage doors, hence the
reason for the variance. It wouldn't fit in
the existing garage structure.
MR. GHANNAM: If you're -- I
guess for the city, if they're entitled to a
14-foot high garage by right, how high is the
average garage, like the entrance? Is that
eight foot --
MR. WALSH: It's approximately
seven feet.
MR. GHANNAM: I'm just trying to
figure out, ma'am, I had an issue with this
last time. I get that you have a big van and
you want to garage it. I mean, it only makes
sense.
I guess the question becomes
what conditions of this particular property
prevent you using it for its purpose,
residential?
MS. CERGET: The existing garage
structure isn't designed to accommodate this
type of vehicle. So that's why we're
building a proposed accessory structure and
then there is the height limitation on the
accessory structure.
MR. GHANNAM: That I understand.
The question becomes how can -- how does your
current premises, how are you unable to use
it without a standard garage?
MS. CERGET: Well, the garage
would have a flat roof with this design and
this type of -- this type of a garage.

MR. GHANNAM: It would have to have --

MS. CERGET: It would have to have a flat roof in order to accommodate trusses above the garage. That's why we wanted to keep the property and the design of the structure, in the same characteristic of the style of the house, so that the garage doesn't stand out, and with that we had to put a peak on the structure.

And when you put the peak on the structure, it exceeds the height limitation.

MR. GHANNAM: Some of the standards that we have to go through, such is the need for what you're requesting this variance, is it self-created.

You know what I mean, you can always buy a smaller van, I know you my not necessarily want one, but one that fits in a normal garage. One of them says, are there unique circumstances of the property that prevent you from using it for its intended purpose. It's a residential place.

MS. CERGET: The characteristics of the property would be that the grade differential on the property is so dramatically different from one side to the other, which would actually limit the actual appearance of the variance, so because the structure is so far set into the ground and behind the building, it would look like a six foot garage from the street.

MR. GHANNAM: I understood that argument before, but that grading does not prevent you from using this property for its intended purpose, which is residential.

MS. CERGET: Right, it does not.

MR. GHANNAM: Those are the issues I'm having with this.

From the first picture that you showed us, it does not look excessive. I mean, it looks like a full size van, when I see the pictures that were given to us as part of our packet, and it's shown on a parking lot with a lot of snow and so forth, it does -- I mean, it looks like a bus is what it looks like.

MS. CERGET: It's just taller so that there is more height inside of the vehicle.
MR. GHANNAM: I am still having a problem with it. I don't have any other questions for you. Thank you.

CHAIRPERSON FERRELL: Anybody else?

MR. SANGHVI: Thank you, Mr. Chair. I think this particular case is raising a very interesting question. Does the city have a right to tell a citizen what kind of vehicle he or she should own.

A, the question is the question of a freedom, freedom granted by the Constitution of the United States of America, whether they should own certain property or a certain vehicle or not, is the the issue.

The second issue is, in Michigan weather, I think it is almost obligatory to have a garage if you can afford to have one to put your vehicle inside.

And when we are debating this particular case, the other fundamental issue, which has been very well recognized in at least the British form of government, that every man's home is his or her castle.

And so long as they are not interfering with anybody else, they can do what they like within their own house and their own property.

And I think we need to be very careful when we start infringing on people's rights to do what freedom has already been granted by the freedoms.

And I know this is a problem and it doesn't comply with the city ordinance, but this is the kind of dilemma I have, what comes first, the freedom or the city ordinance and the height for a garage.

And if I had to choose between the two, my choice will always be in favor of freedom.

Thank you.

CHAIRPERSON FERRELL: Thank you.

Anybody else?

MR. IBE: Thank you, Mr. Chair. I wasn't here last month, but I have had an opportunity to look at this. I have heard what's been said in terms of other members here regarding this particular issue.

With all due respect to Member Sanghvi, I am a freedom and constitutional
kind of person, but there are limitations to everything in life. The reason why we have laws, statutes, ordinances, subdivision association bylaws, is because of the fact that we know that, yes, we all have private rights to enjoy our properties, however, we don't have unlimited rights to do as we so desire. The fact that I own my property in my subdivision doesn't guarantee me the right to buy a semi truck and then park it there, well, you know what, I want a trailer, I can park it anywhere I want. Obviously it's my right, but if it infringes on the rights of other people in my subdivision, does that mean that people in my subdivision who protest about that, does that mean I'm against freedom? Absolutely not. It just simply means that we need, in order to function in a society, must abide by certain rules and regulations. I look at the picture, what I see is not a van. I see a commercial bus. Now, be it as it may that it is your prerogative to buy whatever motor vehicle that you desire. If I look at the city ordinance and I see what is required, the standards for granting this kind of stuff, what you are asking for is practical difficulty. I mean, Member Ghannam has raised the question, is this self-created. When something is self-created it means that there are alternatives. In other words, could you do without this. Well, the answer is yes, but, of course, you chose to deal with what you have, which is very okay to me as well. However, the city ordinance calls for a certain standard is terms of what a garage should look like and what a garage should be. I think that this particular application that you have written for us is self-created. And that which is self-lorn makes it difficult to fit under the standards to approve. Can the property be used for the intended purpose even if we don't grant the variance, the answer is also yes.
So I'm not sure you have, based on what I have seen so far, demonstrated sufficient evidence to me that your application merits the exception to the rule.

The rule being what the ordinance is and we have created an exception to that rule specifically for your purpose. I don't see that.

It's not a question of me not infringing on your freedom or the freedom of Member Sanghvi or anyone else out there, absolutely not.

I have believe that we should have private rights and I respect private property. And we also respect the constitution, but this is not a constitutional question at all, not even close.

Right now, if I were to vote, unless I heard from one of the members that convince me otherwise, based on the evidence that you have, and I have reviewed this, I have driven by your property, and I drive by it virtually maybe once a day because I go through that way, I certainly would not be in favor of this. Because this is not a commercial property. It is a commercial bus. This is not a van. It is certainly not a van.

If it was meant to be a van, it would fit in a regular size garage. Commercial buses are not meant to fit into regular size garage. Maybe a commercial garage would fit this.

What you are asking for probably falls under that auspices of a commercial garage, not for a residential garage.

Therefore, Mr. Chair, unless there are other things that the members can show me, I certainly would not be in approval of this. Thank you.

CHAIRPERSON FERRELL: Thank you.

Anybody else on the board?

MS. KRIEGER: Considering the previous speakers, I agree that it's self-created, but also in the past there was an issue about -- on Nine Mile and Meadowbrook in that subdivision there was a person that made a half basketball court, and here are the people that were able to speak,
I didn't hear the neighbors complaining or issuing concerns, and the -- being through the discussion that the building, when it is completed, will blend into the property, and not be an eyesore, so considering all the previous information, I'm having less difficulty in agreeing that could -- that this petitioner could have their request.

That's it.

Chairperson Ferrell: Thank you. Anybody else?

Ms. Gronachan: I'm the last one. First of all, I would like to thank the petitioner and his representative for doing his homework.

You did exactly what I requested and it clarified the pictures -- bringing the pictures, bringing the additional information, although it doesn't sound like it right this minute, but it does clarify the issues that we had last month.

I'm on the fence about this. I take it back to the city because I think the world is not going to stop making bigger vans.

And just because I do side with Member Ghannam and Member Ibe in regards to this doesn't fit with what we are required to do as a zoning board.

And so -- but again, I agree with what -- where I just went blank -- Linda, where we can't base our decisions on emotion. We are the zoning board. And the truth that it does not fit the criteria for a variance.

So I do -- I do have a question for Mr. Walsh.

I kind of touched on this last month. I still say that is there something to the ordinance -- to the ordinance review board when cases like this come up, and there is a change out there in the marketplace for this van.

I'm not convinced that this is a commercial vehicle, that it's for commercial use, not that it couldn't be, and -- but is there something with the ordinance review board that they should look at to address that there is a market out there and that we are going to be hearing about bigger garages?
MR. WALSH: It's something we can bring up in front of the review board. Also, if you look at this site, it's a very large site, there is alternatives that are provided on this site. This applicant could add an addition to his garage and make the overhead doors comply to what he needs, and there wouldn't be a height requirement, because then it would fall under the building heights for the home. He could go up to I believe it's 25 feet to the mid point. So there is some alternatives if he puts an addition onto his garage in the back, that would comply with the ordinance.

MS. GRONACHAN: That sheds a lot of light. Thank you. Based on that information, I would not be in support of this request. And I'm making that decision based on the testimony given both by Member Ghannam and by Member Ibe, and clearly that this does not meet the requirements for a request of this kind of variance. Thank you.

CHAIRPERSON FERRELL: Thank you. Anybody else? Before I entertain a motion, Mr. Secretary, if you can read any correspondence.

MR. GHANNAM: There were ten mailed notices, one return mail, zero approvals, and zero objections.

CHAIRPERSON FERRELL: Entertain a motion, if somebody is ready.

MR. GHANNAM: I will make a motion. In Item One, Case No. PZ14-0051 for 45605 Nine Mile Road, I move that we deny the petition as requested.

There are not any circumstances or physical conditions of the property, such as narrowness, shallowness and so forth. The need for the variance is due to the applicant's personal or economic difficulty. I believe the need is self-created. I believe that there should be no problem with strict compliance of that existing regulation governing the garage height issue. There is suggested there are alternatives in terms of adding onto the
house and getting pretty much exactly what
the petitioner wants.

I believe the requested
variance will not do substantial justice to
applicant or the property owners in the
district and the requested variance will
cause an adverse impact on surrounding
property, property values and the use and
enjoyment of the property in the neighborhood
or zoning district.

MS. GRONACHAN: Second.

CHAIRPERSON FERRELL: Motion and
a second --

AUDIENCE MEMBER: Can I say
something?

CHAIRPERSON FERRELL: No, you
cannot. You are out of order, sorry.

Motion and a second, any
further discussion?

(No audible responses.)

CHAIRPERSON FERRELL:

Ms. Pawlowski, can you call
the roll, please.

MS. PAWLOWSKI: Member Ghannam?
MR. GHANNAH: Yes.
MS. PAWLOWSKI: Member Gronachan?
MS. GRONACHAN: Yes.
MS. PAWLOWSKI: Member Ibe?
MR. IBE: Yes.

MS. PAWLOWSKI: Member Krieger?
MS. KRIEGER: Yes.
MS. PAWLOWSKI: Member Sanghvi?
MR. SANGHVI: No.
MS. PAWLOWSKI: Chairperson
Ferrell?

CHAIRPERSON FERRELL: Yes.

MS. PAWLOWSKI: Motion passes
five to one.

CHAIRPERSON FERRELL: Moving on
to Case No. PZ14-0045, 43977 Durson Street.
Please come up and be sworn in.

Raise your right hand, state
and spell your name for the reporter over
here.

MR. GHANNAH: Will both of you be
speaking?

MR. MCKINNON: Yes.
MR. GHANNAH: Both of you raise
your right hands and be sworn.

Do you solemnly swear or
affirm to tell the truth in this case?

MR. MCKINNON: Yes.
24                         MR. SAFERIAN: Yes.
25                         MR. GHANNAM: Each of you state
0026 your name and spell it for our court
1 reporter.
3 MR. MCKINNON: William Shane
4 McKinnon, M-c-k-i-n-n-o-n.
5 MR. SAFERIAN: Rich Saferian,
6 S-a-f-e-r-i-a-n.
7 MR. GHANNAM: You can proceed.
8 MR. SAFERIAN: I'll start out by
9 what -- Chuck needs -- Chuck is a friend of
10 mine, and I'm also going to be the
11 contractor, if things are approved for him.
12 We are asking to build a seven
13 foot addition on the side of his house that
14 would come within one foot of his lot line.
15 Proceeding that right now, his house is
16 located in 12-foot -- like four inches away
17 is a fence which backs up to the CVS
18 pharmacy, tree line, there is a big long
19 fence along that area there and I think we
20 showed -- gave you guys a picture of the lot
21 line there.
22 MR. MCKINNON: There is a berm
23 there, too.
24 MR. SAFERIAN: There is a berm
25 behind there, too. There should never be
0027 anything added on in that side of the house
1 there.
3 Once this addition is extended
4 out, there would still be five feet of open
5 property from Chuck's home to the existing
6 fence line of CVS, the back of CVS parking.
7 And the reason for the
8 addition is for his sister's daughter, his
9 sister had major health problems and the
10 daughter is mentally impaired and Chuck and
11 the other brother are now going to take
12 custody and kind of switch back and forth, so
13 their home only has one bathroom, and it's
14 not accessible. That would helpful to when
15 they she comes there and stays with -- her
16 time to have access to have a bathroom that
17 would be useful.
18 I think that's -- we will be
19 happy with questions. We kind of don't know
20 the whole process.
21 CHAIRPERSON FERRELL: Thank you.
22 Does anybody in the audience have any
23 questions or comments about that case?
24 (No audible responses.)
25 CHAIRPERSON FERRELL: Seeing
none, any correspondence?

MR. GHANNAM: We had 16 mailed notices, zero returns, zero approvals, zero objections.

CHAIRPERSON FERRELL: Anything from the city?

MR. WALSH: No comments.

CHAIRPERSON FERRELL: Open it up to the board for discussion.

MR. SANGHVI: Thank you, Mr. Chair. I did come and visit your place yesterday and looked around.

And I also have gone through your application. And empathize with your problem.

As far as I'm concerned it is a hardship. And I think these kind of hardships are going to be more and more visible as the property ages and people are going to need on ground floor bedrooms and other facilities, if they want to stay -- and then they will become old and disabled.

So I have no difficulty in supporting your application. Thank you.

CHAIRPERSON FERRELL: Anybody else?

MS. GRONACHAN: Thank you, Mr. Chair. I have a question for you again. I too empathize with your current situation. Most difficult.

Help me out, is there a way to -- let me ask the question this way.

As opposed to coming to the side of putting the addition, why not off the back?

MR. MCKINNON: Well, there is a deck on the back and two huge trees that would kind of stop that.

The major removal of the trees and there is a deck running all across the back of the house.

And that space, you know, I believe you have the pictures, there isn't anything there that -- you know, the berm is very high, nobody would -- it's going to match the roof line, so I don't see, you know, why that wouldn't be the ideal place to put that there.

MR. SAFERIAN: We originally wanted to even -- think about going up, but... both Chuck and his wife would not even be
able to use the upstairs, and obviously, you
know, they could then have -- the bathroom
downstairs is for everyone. It's not off a
bedroom or nothing.

So I even priced an elevator
to see what it would cost to do it, and it
just got very unreasonable and pricey to even
think about putting an elevator in this one
story house to get Chuck and his wife up to
like an upstairs bedroom or something, that
would be --

MR. MCKINNON: Expensive.
MR. SAFERIAN: It got really --
MS. GRONACHAN: How close to the
trees -- to trees that he's talking about in
the back? How close would that be?
MR. MCKINNON: Very close. The
two big trees on the east side are, you know,
three feet and seven feet.
MS. GRONACHAN: Thank you,
Mr. Chair.

CHAIRPERSON FERRELL: Thank you.

Anybody else have any --
MR. GHANNAM: I have some
questions for the city.

I'm getting my math messed up
a little bit. It says that the required
sideyard setback is 10 foot, correct?
MR. WALSH: That is correct.

MR. GHANNAM: This proposed
addition would only give them a one foot
side. I mean, that would be one foot from
the lot line, am I getting that right?
MR. WALSH: That's right, they're
asking to be one foot off the lot line.
MR. SAFERIAN: Right now we're
eight.

MR. GHANNAM: So they're even in
violation of that at this point?
MR. WALSH: That's correct.

MR. GHANNAM: Did they receive a
prior variance for that?
MR. WALSH: No. There is no
history.

MR. SAFERIAN: That's from the
original house being built. So it was
whatever year.

MR. GHANNAM: It may have been
compliance with the year it was built, it was
changed since maybe.

Is there any safety concerns
with going one foot from the lot line? I
MR. WALSH: Yeah. We have looked at it. I have met with the applicant a couple of times on this.

Looking at the floor plan they reduced it, they were actually off the lot line when they first submitted it and they brought it back to the lot line.

If you looked at the bedroom, you can see you can barely just get by from the bed, to the dresser in the room, so they have minimized their request.

We talked about the construction to be a trench footing, where you just kind of built like a garage, where you do a trench, so there will be spread footings, they pour an extra deep footing and then just build up from there.

So it can be done. Something that we don't like to have that close to the lot line, but due to what they're trying to achieve here, it was the best way we could achieve that.

MR. GHANNAM: There is one photograph of that one side of the house where they propose the addition and there is obviously a fence there. If they're one foot from the fence, there is not a whole lot of access you have to that side of the house.

MR. WALSH: If you look at the site plan, that's where it gets kind of deceiving, where the fence is located, it's approximately 6.25 from the lot line.

So the addition will be an additional foot, so like seven and a half feet from the fence line.

MR. GHANNAM: I'm not following that. So is the fence not on the lot line?

MR. WALSH: That is correct.

MS. GRONACHAN: So the fence is coming down?

MR. IBE: Whose fence is it?

MR. SAFERIAN: The fence was probably put up by CVS. It runs the whole side of that street because it's-- you know, it's dead end, so from the existing house right now to the fence is -- at one side it's like twelve two and the other side it's like twelve eight in the back. So we are asking for seven.

So Chuck for all these years has been maintaining that property as his own
property anyway because nobody ever comes back there and, you know, cuts the lawn, does any cleanup or does anything. So even after the addition is built, there is still going to be five foot plus -- closest five to six foot between the new addition and the fence line that's there right now.

So Chuck will continue to maintain that property also, even though it's not as --

MR. GHANNAM: So whoever put up that fence, put it on their own -- like a few feet onto their own property as opposed to on the lot line.

To me, it just looks like -- to be honest, it looks a little bit unusual.

Now I understand there will be at least some room there. If you only have one foot, if you have to do any maintenance or access to the roof, or anything you would literally --

MR. SAFERIAN: We have over five and we even eliminated a window on that side. Originally we had a window on that side, which I think the code -- Tom, if I'm right, you need like three feet, you know, in front of the window, if you had to maintain it or somebody had to come out, so that side of the wall now has no window in it.

We eliminated the window in the bedroom on that fence side of the addition.

MR. GHANNAM: Why can't you build on the other side away from the fence, where the garage would be and the driveway?

MR. SAFERIAN: Well, the garage is attached so it would be on the other side of the garage, which wouldn't even be attached to the home.

MR. GHANNAM: Isn't the garage behind the --

MR. SAFERIAN: No, it's an attached garage.

MR. GHANNAM: It is an attached garage. There is no room on that side that would make it logical to build on that side of the house.

MR. SAFERIAN: No, because it would have -- I don't even know if you have room to do that, but it would have to be built on the other side of the garage, so it wouldn't be even attached. It wouldn't be
even attached to the home at that point.

MR. MCKINNON: You would have
water probably and --

MR. GHANNAM: That entire parcel,
I guess it would be to your -- if I got my
bearings straight, maybe to your east, that's
the -- so you said, CVS --

MR. MCKINNON: Yes.
MR. GHANNAM: That's to your
east?

MR. MCKINNON: Yes.
MR. GHANNAM: Did I get that
right?

MR. SAFERIAN: I'm trying to get
my location right. It's his home, so --

MS. GRONACHAN: No, it would be
to the north.

MR. GHANNAM: I'm looking at the
map.

MR. WALSH: It would be to the
east.

MR. GHANNAM: East, okay.

MS. KRIEGER: Have you looked at
the garage's living space and creating a new
garage?

MR. MCKINNON: Not really. I'd
have the bathroom problem then.

MR. SAFERIAN: He's got a very
difficult thing with the plumbing in that
house, too, because the plumbing is -- the
only place to pick up the plumbing is where
that existing bathroom in that plan.

The house is built on a slab,
so there is no basement. So it's an
underground where you would have to pick up
the new bathroom right off the other
bathroom, to pick up the new bathroom.

And it kind of shoots -- we
are not for sure exactly how it does, but we
think it kind of runs right -- like comes
right in the middle of the house, then shoots
left through the front room towards that
existing bathroom and the existing bedroom.

So it's not like a normal
thing like a -- when we have a basement, and
there is plumbing and we can kind of jockey
the position.

There is only a couple of
spots we can pick up that bathroom and that
was the best plan I could come up with to do
it.

As far as doing -- answering
your question, I don't think there is enough
room on the right side of his property, so
when you pull in, you're looking at the front
of his house, driveway comes in and that's
the existing garage. Then the house is all
the way to the left.

If we turn that into living
space, that garage is to the left, I don't
think that would fit into the property and
then you obviously couldn't put it behind
here because we would be going through the
new living space of the garage.

MR. GHANNAM: This is the -- I
mean, there is no lesser proposal you can
make in terms of a small square footage, more
away from the lot line that would make sense
for him?

MR. SAFERIAN: I mean, that's as
small as you could get to get a new bathroom
in there.

MR. MCKINNON: The bedroom and
bathroom would be, you know, so small, we
couldn't move around.

MR. GHANNAM: Is that all that's
going to be there, a bedroom and a bathroom?

MS. CERGET: Basically it's being
done to add the new bathroom to the existing
bedroom, but made it a little bit bigger.

So now the bedroom -- the
bathroom will be in the old bedroom versus,
so really all we are doing is adding on to
to get that bathroom in basically.

And then the other space was
just used as -- the back side of that was
just a closet space just for off the other
room.

The other room was used as an
office before now that's going to be their
new bedroom.

MR. GHANNAM: Thank you.

CHAIRPERSON FERRELL: Any other
discussion?

MR. IBE: Maybe for the city.
Has the fire marshal, have they been notified
about this? This proposed addition.

MR. WALSH: The answer is yes.
They didn't have a concern with it.

MR. IBE: They did not?
MR. WALSH: They did not.

MR. IBE: They know better than
we do. But certainly I don't see how they
can get around this property from that side,
in case of any kind of emergency because there is a fence right there.

MR. WALSH: They have -- they can fight the fire from the other side.

MR. SAFERIAN: And there is room to get through there on -- even after the addition is built, there is still going to be -- you know, from that hole to right here, right alongside the existing fence, the column is here, you're still going to have all this room that's still there, that Chuck maintains for -- basically, or CVS and then some other people down, you know, across the street, there is only one other house across the street, but that fence runs through a couple streets, goes all the way down. A fireman could get through both sides of the house to that fire.

MR. GHANNAM: I will be honest, ordinarily this is not something I would be in favor of. The difference here, it's not just the fence being away -- further away from our lot line, but it is that big CVS lot, that's a huge lot, and realistically, I mean, it's not like you have residential neighbors. That would be very unusual. I mean, you would be staring at them all night.

MR. SAFERIAN: There is a big berm there, so you can't even see CVS from there. You would have to get on a ladder to --

MR. GHANNAM: I understand. I mean, you are right on the border of your sub facing a commercial building. So I will be honest, it does make a little bit more sense here.

MR. SAFERIAN: With a ton of large trees, so that whole fence line on the other side of the fence line is just large trees all the way down that whole strip.

MR. GHANNAM: Thank you.

CHAIRPERSON FERRELL: Any other discussion? Hear a motion.

MR. IBE: I will take it.

Thank you, Mr. Chair. In Case Number PZ14-0045, I move that we grant the applicant's request based on the comments made by the applicant as well as the information contained in the application submitted by the applicant.

There are sufficient reasons to grant the request and the applicant has
met the practical difficulty elements that
are required in order to merit a grant here.

And I therefore move for the
following reasons that we grant, one, that
there is unique circumstance or physical
conditions of the property itself, such as
the narrowness and the topography that
warrants discretion here for in favor of the
applicant. And the need is not self-created.

Unfortunately, the applicant
has stated to us the unique family situation
they are presented with. Which obviously no

one ever envisions or prays for, however,
that is what nature brings sometimes. And we
have to take care of our own and our family.
And be it as it may, this applicant is
willing to make some adjustments to their
living arrangements to accommodate that
hardship. That by itself, I applaud.

Third, strict compliance with
the regulations governing the area structure
of the setback and frontage, will
unreasonably prevent the property owner from
using the property for the permitted purpose,
for what it's intended for. And will render
conformity of those regulations unnecessary
and burdensome to this particular applicant.

Fourth, the requested variance
is the minimum variance that is necessary to
do substantial justice to the applicant as
well as property -- surrounding property in
the district.

And lastly the requested
variance will not cause any adverse impact on
surrounding property owners or diminish the
value of the property in the area or the
quiet enjoyment of other properties in the
area.

Now, the applicant has clearly
stated here about CVS being their neighbor,
this is not residential homes around this
place that will be impacted by this new
addition, and since no one, obviously the
notice has been sent out, there was no
objection, there were no approvals made, so
in the absence of any objections, that means
it is okay.

And also the city has stated
that the fire marshal has reviewed this
application and has no problem with it,
therefore, based on the cumulative
information that has been presented by the
applicant, the discussion here by members, as
well as the input given by the city, I move
that we grant the application as requested.

MS. KRIEGER: Second.

CHAIRPERSON FERRELL: Motion and
a second, any further discussion?

MS. SAARELA: I just suggest
adding some of the physical characteristics
that were mentioned, that prevent the
property from being used for a room in the
back, which was the large trees in the back,
the plumbing that comes off to the one side
of the house, and the other side of the house
being obstructed by an existing garage, that
would prevent the construction of a room on
the other side, as some of the unique
circumstances that would lead to the
property.

MR. IBE: I will adopt the city
attorney's comments as well for the motion.

MS. KRIEGER: Second.

CHAIRPERSON FERRELL: Motion and
a second. Any further discussion?

(No audible responses.)

CHAIRPERSON FERRELL: Seeing
none, Ms. Pawlowski, will you call the roll.

MS. PAWLOWSKI: Member Ghannam?

MR. GHANNAM: Yes.

MS. PAWLOWSKI: Member Gronachan?

MS. GRONACHAN: Yes.

MS. PAWLOWSKI: Member Ibe?

MR. IBE: Yes.

MS. PAWLOWSKI: Member Krieger?

MS. KRIEGER: Yes.

MS. PAWLOWSKI: Member Sanghvi?

MR. SANGHVI: Yes.

MS. PAWLOWSKI: Chairperson Ferrell?

CHAIRPERSON FERRELL: Yes.

MS. PAWLOWSKI: Motion passes six
to zero.

MR. SAFERIAN: Thank you.

CHAIRPERSON FERRELL: Moving onto
Case No. PZ14-0054, 41200 Bridge Street.
State your name, please.

MR. HADLEY: Lawrence Hadley,
H-a-d-l-e-y.

MR. GHANNAM: Do you solemnly
swear or affirm to tell the truth in this
case?

MR. HADLEY: I do.

MR. GHANNAM: Thank you.
MR. HADLEY: Here for a sign variance for the property located at 41200 Bridge Street. And we've had the ongoing issue of the berm, which is obstructing the visibility of a sign, that would follow through the regular requirements because of the berm on Bridge as well as the berm on Meadowbrook.

The market has remained steadfastly soft, industrial flex vacancy, and I've pulled up data from New Mark Frank (ph) in the fourth quarter of the last year was 10.2 percent, third quarter this year, 9.4 percent in Novi, so there has not been that much industrial flex absorption in Novi. And, you know, we are at -- we have 7,500 square feet out of 20,000, so that's almost 40 percent. So we are still well away from that 9.4 percent number. And then we were really hamstrung this summer because of the construction on Meadowbrook on the sidewalk, which we had a flag man at Bridge Street and Meadowbrook for several weeks and people are not going to bother to come look at your property because it's difficult to get in and out. There is too many other properties for them to look at, they're just going to walk on by.

I had all kind of leasing traffic for the property on Meadowbrook, which is now full because people could get in and out to look at.

But it was difficult going to work every morning, when you had traffic was down to one lane, for weeks on end, that's just killed us. That just killed us this summer. So that's the basis for the request for the variance.

CHAIRPERSON FERRELL: Thank you. Anybody in the audience have any questions or comments pertaining to this case? Seeing none, Mr. Secretary,

MR. GHANNAM: We have 20 mailed notices, zero returned notices, zero approvals and zero objections.

CHAIRPERSON FERRELL: Anything from the city?

MR. WALSH: No comments.

CHAIRPERSON FERRELL: Open it up to the board for discussion.

I have a question for the
city. How many times, just to be clear, has this been approved in the past? For the same signage.

MR. WALSH: Appears to be about five.

CHAIRPERSON FERRELL: Thank you.

Anybody else?

MR. SANGHVI: Thank you, Mr. Chair. I think the first time a variance was given for this particular case was in 2006.

MR. HADLEY: Before my time.

MR. SANGHVI: According to the record. This is 2014. This is quote, unquote a temporary sign. And I don't know how temporary is an eight year-old sign. And in spite of the economy up turns and down turns and everything else, I thought eight years is a long time for a quote temporary unquote, sign. Thank you.

CHAIRPERSON FERRELL: Any other discussion?

MR. GHANNAM: I just have a question. I mean, I understand the theory where people come in and tell us bigger is better, but you are entitled to a sign. Why the continued use of this excessive sign.

MR. HADLEY: It's not the size, it's the location of the sign. We are only allowed to have the sign I believe within 50 feet of the building envelope. And that would limit us to putting the sign back over on Bridge Street where there would be no visibility from Meadowbrook whatsoever. And especially because of the berm on Meadowbrook. You know, the good news is, we filled up the building on Meadowbrook and took that sign down, all of them.

MR. GHANNAM: I understand, but that's where your property is located. I mean, it's located off a major street. With your theory, if I'm in the middle of a subdivision, why can't I put it on Eight Mile and Nine Mile and Meadowbrook and Novi Road, you know, because no one can see it in my sub.

MR. HADLEY: It's a little different for commercial versus residential when it comes to visibility.

Without the berms, the sign -- our signage on Bridge Street would be very visible. You could see the building as you
drive by, but you wouldn't be able to see the
leasing sign, so that's the reason for the
request.

MR. GHANNAM: Remind me, does

this particular sign, does -- in it's
current -- where you currently want it
situated, does it back to your property or
no?

MR. HADLEY: No, it's off our

property.

MR. GHANNAM: How far is it from

the property line?

MR. HADLEY: The actual property

line itself, oh, probably 50 feet or so, I
would guess. It's a site condominium, so I
don't know whether the property line is in
the building envelope or not.

MR. GHANNAM: The way I

originally read this was, that it was just
for an oversized sign, not the location. But
it is -- is it both?

MR. WALSH: It's for the

oversized sign not the location.

MR. GHANNAM: So they are

entitled to have the sign where it's
currently located?

MR. HADLEY: I stand correct.

It's only 16 square feet. The other sign is

16 --

MR. GHANNAM: Sixteen is the max.

So it is not the location, but it is the --

MR. HADLEY: I was confusing that

with the other property.

MR. GHANNAM: So tell me what the
difference is between 24 and 16 and the
continued coming in asking for these
variances?

MR. HADLEY: The issue there is

also people -- as it was with the other
building people whizzing by on Meadowbrook,
you've got higher traffic, and so it's just,
you know, important for us to be able to
stand out.

MR. GHANNAM: But what makes a 16

square feet sign invisible and a 24-foot sign

visible?

MR. HADLEY: It's lesser --

MR. GHANNAM: That's obvious.

MR. HADLEY: I can just tell you,
you get better visibility and better exposure
with a larger sign.

MR. GHANNAM: Thank you.
Mr. Ibe: Mr. Chair, thank you so much. I would like to re-echo Mr. Sanghvi's comment regarding temporary. Can you, sir, tell me what makes this sign temporary and not permanent. If you can convince me, because I'm having a hard time trying to understand it because it's been up for eight years. I'm trying to understand why it's not a permanent sign.

Mr. Hadley: I guess the thought being, that is -- I guess we have always been perhaps Pollyanna-ish, but I thought we would get the building leased the next year and wouldn't have to come back again. That's why we just kept going along the temporary route hoping that the market would turn around for us and it just hasn't happened. So we have just kind of limped along always going in for a temporary variance hoping that was the last one.

Mr. Ibe: Obviously you and I know that we don't control what happens with the market, you don't have any control over that?

Mr. Hadley: Right.

Mr. Ibe: And definitely the city doesn't have any control of the market, so it's possible that this sign could be up for the next six years, for all we know, I hope not, but isn't that possible because in 2006 you thought it was going to be 2007, then it was 2008, it was -- you know, on and on, 2014.

Would you agree that based on the current circumstances of the situation, it's possible that you may come back here again next year and the year after that?

Mr. Hadley: It's always possible.

Mr. Ibe: Would you then -- I mean, I'm not putting words in your mouth, would you consider it, this is beyond temporary, obviously, because temporary you would think would be something like maybe four or five years, but beyond that, are we getting close to double digit numbers here now, very close?

Mr. Hadley: Yes. I understand your position. I'm just asking for one more temporary variance.

Mr. Ibe: What other marketing tools are you using to market this --
MR. HADLEY: We extensively market on the internet, via Loopnet and Co-star. Loopnet is an expensive subscription service that we pay several thousand dollars a year to post the property on. We also have our own website.

And I also actually hand deliver flyers to people who try and generate that traffic. So we just don't put up a sign and wait for people to come. But signs are still an important, you know, method of communication in real estate. My cellphone number is on that sign and I get phonecalls days, nights and weekends on that sign and other signs that I have around town because people still rely on signs for real estate.

MR. IBE: You believe the bigger the sign, the better it is, is that correct?
MR. HADLEY: Yes.
MR. IBE: Why not ask for 36? I mean, you want it bigger?
MR. HADLEY: You know, the ownership of the building has been -- uses this size sign and other communities don't have the size restriction. And this is one of the few communities that does. So the other communities we have properties located in, don't require a variance for that larger sign.

We have signs in Troy and Bloomfield Hills and Livonia, Plymouth, and we don't have that restriction. That's just been kind of our consistency of sign size.
MR. IBE: I respect those cities and their rules.
MR. HADLEY: Their rules are their rules and your rules are your and rules. I get that.
MR. IBE: Based on the fact that this sign has -- I mean, naturally, I came to -- if this was maybe the fourth or fifth year, I would be more than inclined to say because of economic reasons, so give -- you know, the business person, purchase one or two more years. But eight years, I think it's gone on for too long.

You can either downsize to what the ordinance calls for, or I'm definitely not going to be in approval of this.

Thank you, Mr. Chair.
CHAIRPERSON FERRELL: Thank you.

Any other discussion?

(No audible responses.)

CHAIRPERSON FERRELL: Seeing none, do I hear a motion?

MS. KRIEGER: In Case No. PZ14-0054, for 41200 Bridge Street, I move to deny the request for the sign. The request is based upon circumstances and features that are exceptional and unique to the property and do not result from conditions that exist generally in the city and are self-created. Especially if the sign has had eight years of visibility. There are other options in the city to choose by.

The failure to grant relief will not unreasonably prevent or the limit the use of the property and will result in substantially more than an inconvenience or inability, that will be able to continue with other options.

The grant of relief will not result in use of structure that is incompatible with or unreasonably interferes with adjacent or surrounding properties. There are other signs along there that are smaller and visible for motorists to observe.

It will result in substantial justice being done to both applicants and adjacent and/or surrounding properties, and is not inconsistent with the spirit of the ordinance.

MS. SAARELA: You made a motion to deny, but the way you were reading the standards, it was like you were reading a motion to approve. You have to change a lot of that when you're making motions to deny.

A few of them I saw that you did change, but a few of them you were still reading them as the standards to approve.

I do probably have a motion sheet that has the standards.

MS. KRIEGER: Yes, I was reading it. I was trying to change the wording.

MS. SAARELA: If you could add factors to that, that might --

MS. KRIEGER: Re-read it?

MS. SAARELA: Yes.

MS. KRIEGER: Scratch that.

So in Case No. PZ14-0054, for 41200 Bridge Street, I move that we deny the variance in this case number, sought by the
petitioner because it's not shown a practical
difficulty, due to the circumstances and
features of the property, including this sign
has been there for visibility for the last
eight years. It is not unique throughout the
city.

The circumstances and features
of the property that are leading to the
variance request are self-created. The
(unintelligible) with the city ordinances to
have that option.

The failure to grant relief
will result in inconvenience and inability to
an higher economic or financial return based
on the petitioner's statements that they --
of having the sign, therefore, it's a
significant amount of time.

The variance would result in
interference with the adjacent and
surrounding properties by obstruction or
distraction, and granting the variance would
be inconsistent with the spirit and intent of
the ordinance, as to prolonging it, a
temporary sign to a permanent sign.

MR. GHANNAM: Second.
CHAIRPERSON FERRELL: A motion
and a second, any further discussion?
(No audible responses.)
CHAIRPERSON FERRELL: Seeing
none, Ms. Pawlowski, can you call the roll,
please.

MS. PAWLOWSKI: Member Ghannam?
MR. GHANNAM: Yes.
MS. PAWLOWSKI: Member Gronachan?
MS. GRONACHAN: Yes.
MS. PAWLOWSKI: Member Ibe?
MR. IBE: Yes.
MS. PAWLOWSKI: Member Krieger?
MS. KRIEGER: Yes.
MS. PAWLOWSKI: Member Sanghvi?
MR. SANGHVI: Yes.
MS. PAWLOWSKI: Chairperson
Ferrell?
CHAIRPERSON FERRELL: Yes.
MS. PAWLOWSKI: Motion passes six
to zero.
CHAIRPERSON FERRELL: Moving onto

Case No. PZ14-0055, 45995 Gallway Drive.
Please come forward. Raise
your right hand, be sworn in, and state and
spell your name for the reporter.
MR. LORENZO: Robert Lorzeno,
R-o-b-e-r-t, L-o-r-e-n-z-o.

MR. GHANNAM: Do you swear or affirm to tell the truth in this case, sir?
MR. LORENZO: I do.

Good evening, Mr. Chair and board members. Again, I'm Bob Lorenzo and I really do appreciate the opportunity this evening to speak with you.

My wife, Laura and I are planning a single story addition on the west side of our house.

We are doing this so that we can continue enjoying our home here in Novi, by expanding our rather small living and dining rooms adding some space for a library and for a study and providing some flexibility for future age and place options and potential requirements. Since we do intend to remain in our home during retirement.

As you know, and as seen in the materials we submitted to you, the width of the planned addition is 20 feet.

I would like to emphasize that this width will comply with the required 15-foot minimum sideyard setback on the west side of the house where the addition will be located, so that is not going to be an issue.

We also will be in compliance with the 15-foot setback requirement on the east side of the house. So that will not be an issue either.

However, the planned addition would require a 5.5-foot variance to the 40 feet minimum aggregate sideyard setback.

Now, the proposed addition would provide for us further use and enjoyment of home and property. But our existing home and our property do present several practical limitations and difficulties with regard to our addition project.

These would include the following. The placement of our house on the lot, when the house was first built by the subdivision developers some 30 years ago, the physical features of our property, including storm water drainage, the configuration and the construction of our existing rooms, and how the addition could be integrated with the existing house structure and with the existing room layout functions and how can we
do that successfully and practically.

Now, without the 5.5-foot variance that we are requesting, the exterior of our planned addition would be restricted to 14.5 feet. That would result in kind of a narrow elongated structure, sort of resembling a railroad boxcar. We think seriously detracting from any curb appeal. That restriction also would result in rather narrow interior rooms and that in turn would curtail the planned additional living space, it would compromise the addition's flexibility for future aging and place accommodations and options as well.

Now, we have received approval for our variance appeal from the architectural committee of our Lexington Green homeowners association. And a copy of that approved request form was included in the materials that we submitted to you.

So to sum up, our intention is to build a proposed addition in a way that will not only increase the functionality and the volume of our home, but hopefully also will compliment other nearby homes and contribute to increasing home values in the immediate neighborhood.

That's why we are asking for your help.

Thanks very much for your consideration and I will be really happy to answer any questions that you have for me.

CHAIRPERSON FERRELL: Thank you. Your presentation was very well done, by the way.

Anybody in the audience have any questions or comments about this case?

(No audible responses.)

Seeing none, Mr. Secretary, any correspondence?

MR. GHANNAM: Eleven mailed notices, zero return mail, zero approval, zero objections.

CHAIRPERSON FERRELL: Anything from the city?

MR. WALSH: No comments.

CHAIRPERSON FERRELL: Open it up to the board for discussion.

MR. SANGHVI: Thank you,

Mr. Chair.

First of all, Mr. Lorenzo, I want to congratulate you for that wonderful
application. I think you have taken care of whatever question I might have had. I also had the pleasure of visiting your place yesterday and looked around. Considering everything, I would be in full support for your application. Thank you.

CHAIRPERSON FERRELL: Anybody else?

MS. GRONACHAN: You remind me of somebody that used to serve on council many, many years ago, so I think you were well trained.

MR. SANGHVI: I didn't want to mention, Laura, but now that the subject has come up. I have known Laura for many years, we worked together on the city council years ago. I have very pleasant memories of working with Laura and she kept the proceedings very lively. Thank you, Laura for your service.

AUDIENCE MEMBER: Thank you, Dr. Sanghvi.

MS. GRONACHAN: I echo the comments from the previous speaker, and also say that you are very well prepared. I will agree I think that the lot is unusual, in your presentation as you so stated, and I have no problem supporting your request.

MR. LORENZO: Thank you for your consideration.

CHAIRPERSON FERRELL: Yes.

MR. GHANNAM: I was in favor of this until Dr. Sanghvi said he knew you and supported this. For the record, I'm kidding. Actually I reviewed the whole packet and I thought it was an excellent job. I think you're doing a nice job on this, so I have no problem with this request.

CHAIRPERSON FERRELL: Thank you.

Anybody else?

MS. KRIEGER: I agree.

MR. IBE: I have no comments.

CHAIRPERSON FERRELL: I'll make a motion if there is no other discussion.

In Item No. 4, Case No. PZ14-0055, 45995 Gallway Drive, I move to approve the request as requested.

There are unique circumstance
and physical conditions of the property, such as its narrowness, shallowness, shape, water and so forth. And the need for the variance is not due to the applicant's personal or economic difficulty.

The need is not self-created, as this is an older home, constructed under older building codes and so forth at the time.

The strict compliance with current regulations governing setback, frontage, height and so forth will unreasonable prevent the property owner from using the property for a permitted purpose, such as retirement, and will render conformity with those regulations unnecessarily burdensome.

The requested variance in the minimum variance necessary to do substantial justice to the applicant as well as other property owners in the district. And the requested variance will not cause adverse impact or surrounding property values -- on surrounding property, property values or the use and enjoyment of the property. In fact, I think it will enhance it.

MS. GRONACHAN: Second.

CHAIRPERSON FERRELL: Motion and a second. Any further discussion?

(No audible responses.)

CHAIRPERSON FERRELL: Ms. Pawlowski, can you call the roll, please.

MS. PAWLOWSKI: Member Ghannam?

MR. GHANNAM: Yes.

MS. PAWLOWSKI: Member Gronachan?

MS. GRONACHAN: Yes.

MS. PAWLOWSKI: Member Ibe?

MR. IBE: Yes.

MS. PAWLOWSKI: Member Krieger?

MS. KRIEGER: Yes.

MS. PAWLOWSKI: Member Sanghvi?

MR. SANGHVI: Yes.

MS. PAWLOWSKI: Chairperson Ferrell?

CHAIRPERSON FERRELL: Yes.

MS. PAWLOWSKI: Motion passes six to zero.

MR. LORENZO: Thank you very much for your help. Happy Holidays to you all.

CHAIRPERSON FERRELL: Moving onto Case No. PZ14-0057, 1296 East Lake Drive.
Are you both going to be speaking?

MR. SHAMOUN: Yes.
MR. ABDELNOUR: Yes.
CHAIRPERSON FERRELL: Both please raise your right hand and be sworn and then state and spell your name for the reporter, please.

MR. GHANNAM: Go ahead and state your names and spell them.
MR. SHAMOUN: My name is Jason Shamoun S-h-a-m-o-u-n.
MR. ABDELNOUR: My name is Ghassan Abdelnour, last name is A-b-d-e-l-n-o-u-r.
MR. GHANNAM: Spell your first name, too.
MR. ABDELNOUR: Ghassan, G-h-a-s-s-a-n.
MR. GHANNAM: Both of you raise your right hands.

Do you swear or affirm to tell the truth in this case?

MR. SHAMOUN: I do.
MR. ABDELNOUR: I do.
MR. SHAMOUN: I want to say thank you very much for having me today. I really appreciate it. I am looking to build a house on 1296 East Lake Drive, a 3,400 square foot house. The other house is 1,008 square feet. The house currently is less than 35 feet from the water. I'm going to be bringing the house back to 35 feet to obey the ordinance. I'm also going to be taking down the garage that's in the front of the property close to Novi Road, which is also -- does not comply with the current variance. And I'm only asking for the variances on the sides.

The house currently sits at three feet from the -- three feet from the right side of the house, sits currently at three feet. I'm asking for a three foot variance and actually the house goes up to the property line on the left-hand side of the house, if you're looking at the house, when it's on the lake. And I'm asking to actually take the house back to five feet from the property -- 4.92 feet from the property line.

So I'm actually reducing where
the current household actually is located.

I have talked with both my
neighbors. Both my neighbors are in favor of
my build. I think it's going to be an
enhancement to the City of Novi. I'm really
excited to be moving into the City of Novi
and to do this project.

The house that's currently
there was built in 1940, it's a very old
house, the delapidated, as well as the
garage.

Anything to add?

MR. ABDELNOUR: I just wanted to
say that actually the existing house has a
lot of -- it's way closer to the property
line and to the water side, so actually by
moving the house to the back, actually,
almost -- if you consider the deck and below
the deck there is a space in the basement, so
actually we will be moving almost 14 feet of
the house to the back. So that gives us a
better front -- I mean, yard to the water
side.

Plus we're -- there is one
side -- the house is almost 1.8 feet close to
the property line. We are moving it to 4.92,
and we are keeping one side three feet the
way it is right now.

And by moving the garage from
the front of the house on Novi -- on the main
road, actually, we move the garage and
connect it with the existing house and we
gave it a nice look, try to match the
neighborhood and make it more within the
side -- the front side and the back side of
the existing homes.

And for the materials, we try
to look with nice brick, nice stone, just to
match the -- to make it look more work with
the neighborhood.

The existing house, too, has
stairs. There is a lot of decks very close
to the neighbors, actually we are moving that
also five feet, so the existing house has a
lot of issues, and that's -- we try to work
with the planning department and the building
department. And they have been very helpful
working with us, especially also we are
facing the grading issue that we end up
solving with a consultant for the city,
trying to make sure that the water drainage
work on both sides, because the existing
house has issues, too, that we need to solve. So I think the new plan works very well with the subdivision, with the neighbors. We did meet with the neighbors, we showed them all the drawings and everybody was kind of excited because we are solving some of the issues that we already have in the existing house, plus the house is in very bad shape. I'm the architect with the project, so if you have any questions, we would love to answer you, and we thank the city for the help with the whole process.

CHAIRPERSON FERRELL: Thank you very much. Open it up to the city or anybody in the audience. (No audible responses.)

Seeing none. Mr. Secretary, can you read any correspondence.

MR. GHANNAM: We have 24 mailed notices, zero returns, two approvals, and zero objections.

The first approval is from Belinda and Harry Kubbe, K-u-b-b-e. It says "We, Belinda and Harry Kubbe live adjacent to 1296 East Lake Drive lot on the south side. We have reviewed Jason's plans with him and have no issues. We are looking forward to having a nice new home built next to our property."

The second approval is dated November 24th, 2014 by Asa and Carol Smith. It says follows. "Mr. Shamoun has requested variances for a new build next-door to our residence, our south side. The sideyard setback would be three foot. There is an existing one story structure there, at this time with an approximate three foot setback from the property line.

We have viewed Mr. Shamoun's plans -- or proposed plans and have addressed our concerns regarding this project with him, due to the close proximity of this build to our property and dwelling, our concerns are as follows. Damage to our property and dwelling during old foundation removal and reconstruction, use of only bonded and insured contractors for this work, property grading of this lot for drainage and water runoff for previous services, roof,
et cetera. We have discussed our concerns with Mr. Shamoun and he has assured us that our concerns will be addressed. We feel the proposed home will be an asset to the area and understand the challenges involved in building on a narrow lot.

We are looking forward to having Mr. Shamoun as our new neighbor."

CHAIRPERSON FERRELL: Anything from the city?

MR. WALSH: No comments at this time.

CHAIRPERSON FERRELL: Open it up to the board of discussion.

MR. SANGHVI: Thank you, Mr. Chair.

I came and visited your place yesterday. And I have been familiar with this area for over 40 years. I used to live in Wolverine Lake Village 40 years ago and drove through East Lake Drive God knows how many times and how it has changed. And there is change for the better.

And you all know, most of the lots around there are like a postage stamp. And they all need variances to do any improvement of any kind.

And I have no problem with supporting your application and I think you would only do good to the neighborhood by doing your new home and bringing out all these changes.

So I commend you for doing what you are doing and I have no difficulty in supporting your application. Thank you.

CHAIRPERSON FERRELL: Thank you.

MR. GHANNAM: I, too, have no problem with your request. I think it's a very, very nice job, given the lot that you have purchased. I think it will be a benefit to the neighborhood.

And again, given these old lots, the narrowness of them, as well as the ones on the lake, we have received a number of requests on the lake, and I think Member Sanghvi is accurate, you can't do anything without a variance. It's just as simple as that. If you want a decent house, and certainly you have got a couple of approvals by your immediate neighbors, that tends to help and reinforce in our mind that it's
appropriate.

So I have no problem with your request.

CHAIRPERSON FERRELL: Anybody else? Motion?

MS. GRONACHAN: Make your last motion.

MR. GHANNAM: If there is no further discussion, Item No. 6, Case No. PZ14-0057, I move that we grant the petition as requested. There are very unique circumstances and physical conditions of this property, such as it's narrowness, shallowness, shape, water, topography, and other similar conditions.

The need for the variance is not due to the applicant's personal or economic difficulty. It is due to the nature of the old, narrow lots created years ago. Certainly the need is not self-created. The petitioner wants to build a new house and the only way to do it is with multiple variances.

I think strict compliance with the regulations governing area setback, frontage, height and so forth will unreasonably prevent the property owner from using the property for a permitted purpose, which is residential, and certainly the existing residence as indicated is unhabitable, and will render conformity with those regulations unnecessarily burdensome.

The requested variance is the minimum variance necessary to do substantial justice to the applicant as well as other properties owners in the district, and the requested variance will not cause an adverse impact on surrounding property, property values or the use and enjoyment of the property in the neighborhood or zoning district. In fact, it will enhance it.

MS. GRONACHAN: Second.

CHAIRPERSON FERRELL: Motion and a second, any further discussion?

(No audible responses.)

CHAIRPERSON FERRELL: Seeing none, Ms. Pawlowski, can you call the roll, please.

MS. PAWLOWSKI: Member Ghannam?

MR. GHANNAM: Yes.

MS. PAWLOWSKI: Member Gronachan?

MS. GRONACHAN: Yes.
MS. PAWLOWSKI: Member Ibe?
MR. IBE: Yes.

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

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

MS. PAWLOWSKI: Chairperson Ferrell?
CHAIRPERSON FERRELL: Yes.

MS. PAWLOWSKI: Motion passes six to zero.

CHAIRPERSON FERRELL: Moving onto other matters? Anybody have anything they want to say?

MS. KRIEGER: Happy Holidays.

CHAIRPERSON FERRELL: I would like to say thank you to our board member, Mr. Ghannam, for his service -- all his years of service on the board. I hate to see you go, but good luck to your future endeavors and it's been nice working with you.

MR. GHANNAM: Thank you very much. It was certainly a pleasure working on the zoning board since I think it was '08. I appreciate the city council's appointment as well as reappointment. I think other people deserve a chance to serve the city, as I did, and I won't be gone for long. Maybe I will come back.

MS. GRONACHAN: Thank you for your service.

MS. KRIEGER: Thank you.
MR. SANGHVI: We will miss you.

CHAIRPERSON FERRELL: Do I hear a motion to adjourn?
MR. GHANNAM: So moved.
MS. GRONACHAN: Second.

CHAIRPERSON FERRELL: All in favor say aye.

THE BOARD: Aye.

opposed?

(No audible responses.)

CHAIRPERSON FERRELL: We are adjourned.

(The meeting was adjourned at 8:25 p.m.)

** ** **
STATE OF MICHIGAN )
) ss.
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 9th January 2015.

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