REGULAR MEETING - ZONING BOARD OF APPEALS

CITY OF NOVI

February 14, 2017

Proceedings taken in the matter of the ZONING BOARD OF APPEALS, at City of Novi, 45175 West Ten Mile Road, Novi, Michigan, on Tuesday, February 14, 2017

BOARD MEMBERS

Cindy Gronachan, Chairperson
Thomas Nafso, Acting Secretary
David Byrwa
Brent Ferrell
Linda Krieger

ALSO PRESENT:

Beth Saarela, City Attorney
Lawrence Butler

Coordinator: Monica Dreslinski, Recording Secretary

REPORTED BY: Jennifer L. Wall, Certified Shorthand Reporter
INDEX

<table>
<thead>
<tr>
<th>Case No.</th>
<th>Page</th>
</tr>
</thead>
<tbody>
<tr>
<td>PZ16-0058</td>
<td>6</td>
</tr>
<tr>
<td>PZ16-0064</td>
<td>16</td>
</tr>
<tr>
<td>PZ17-0001</td>
<td>25</td>
</tr>
<tr>
<td>PZ17-0002</td>
<td>56</td>
</tr>
<tr>
<td>PZ17-0003</td>
<td>71</td>
</tr>
</tbody>
</table>
Tuesday, February 14, 2017
Novi, Michigan
7:00 p.m.

** ** **

CHAIRPERSON GRONACHAN:  Good evening. I'd like to call the February 2017 Zoning Board of Appeals meeting to order.

Would you 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:  Present.

MS. DRESLINSKI:  Member Nafso?

MR. NAFSO:  Here.

MS. DRESLINSKI:  Member Montville, absent excused.

Member Peddiboyina, absent
excused.

Member Sanghvi, absent

excused.

And Chairperson Gronachan?

CHAIRPERSON GRONACHAN: Present.

Thank you. I would like to

welcome everyone to this evening's meeting

and ask that at this time everyone please

turn off your cellphones, put them on vibrate

so we don't have any interruptions during our

proceedings.

I am also going to welcome our

newest member, Thomas Nafso, who has been

appointed by City Council as an alternate and

because there are three members not present

this evening, he will be voting. He does

have the authority to vote this evening.

Are there any changes to the

agenda this evening?

MS. DRESLINSKI: Yes. The

second case PZ16-0036, has requested to be

postponed until the March 14th meeting.

CHAIRPERSON GRONACHAN: Okay.
So postponed.

Any other changes?

MS. DRESLINSKI: No, ma'am.

CHAIRPERSON GRONACHAN: All those in favor of the change to the agenda say aye.

THE BOARD: Aye.

CHAIRPERSON GRONACHAN: None opposed. The agenda has been approved.

We have our minutes from December 2016 for review in our packet, were there any changes, deletions?

Seeing none, all those in favor of the December minutes say aye.

THE BOARD: Aye.

CHAIRPERSON GRONACHAN: None opposed. The minutes for the December meeting having been approved.

At this time, if there is anyone in the audience that wishes to make remarks in front of the board regarding any subject that is not on this evening's agenda may do so now.
Is there anyone that has any comments or concerns that they would like to bring forward to the ZBA?

Seeing none, we will move forward to our first case, PZ16-0058, Sign Works of Michigan. The petitioner is here? Come on down, please. 44000 Grand River Avenue, north of Grand River, west of Novi Road.

The applicant is requesting a variance from the City of Novi code to allow installation of 270 square foot wall signs. I believe that you have been before us and are coming back for some changes.

So would you please state your name, spell it for our recording secretary, raise your right hand and since our secretary is absent, do I swear them in?

MS. SAARELA: Sure.

CHAIRPERSON GRONACHAN: Your name, please.

MS. FRASS: Good evening. My
name is Ann Frass, F-r-a-s-s.

CHAIRPERSON GRONACHAN: Thank you. Do you swear or affirm that the information you are about to give is the truth?

MS. FRASS: Yes, ma'am.

CHAIRPERSON GRONACHAN: Thank you. You may proceed.

MS. FRASS: Good evening. Again my name is Ann. I am with Sign Works of Michigan. And I represent Comau at 44000 Grand River Avenue in Novi.

And as you mentioned, I was here once before and my presence tonight is here as a formality.

At the December 13th meeting, your board approved our variance request for two 12 foot by 14 and a half wall signs.

Unfortunately, the application and the legal advertisements that went out had a 10-foot by 12-foot size. Your packets might actually had both illustrations, and I clarified this with Mr. Butler before the
meeting, and it was made known to the group that we were requesting the largest size, the 12 foot by 14 and a half foot.

It was an understanding here at the meeting, I think everyone here thought that approval at that time would be sufficient, but Jeannie let me know that the smaller size had been advertised and the larger size needed to be, which was done for this meeting tonight.

So again my presence tonight is just to confirm your approval that you have already done of the 12-foot by 14 and a half foot size.

I am happy to present all of the information again, as I did in December, if you would like, or entertain any questions.

CHAIRPERSON GRONACHAN: All right. Thank you. At this time, we will reserve your presentation. We have the minutes from the previous meeting, and it would be at the pleasure of the board if they
needed additional information.

MS. FRASS: Okay.

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

Seeing none, building department.

MR. BUTLER: No comments. Stand by for remarks.

CHAIRPERSON GRONACHAN: Thank you. All right. Board members?

No one got any comments this evening?

MS. KRIEGER: Anything in the packet?

CHAIRPERSON GRONACHAN: There is no correspondence. The letters were resent again. There were 28 letters mailed, four letters returned, zero approvals, zero objections. I am doing double duty tonight. Sorry, guys. Member Krieger.

MS. KRIEGER: I wasn't present, but according to the information, I have no
problem with the change proportionately.

Thank you.

CHAIRPERSON GRONACHAN: Okay.

Thank you. Anyone else? Seeing none, motion.

MR. FERRELL: Motion.

CHAIRPERSON GRONACHAN: Go ahead, Member Ferrell.

MR. FERRELL: I move that we grant the variance in Case No. PZ16-0058, sought by Sign Works for the two additional signs at the size that we had already approved at a prior meeting for the 12 and 14 and a half foot size.

I had a question real quick -- I apologize -- for the City Attorney. Do we need to go over the whole entire motion? I mean, we are really basically approving the --

MS. SAARELA: You should restate the motion for the new -- it is technically --

MR. FERRELL: I don't have the
information.

MS. SAARELA: We don't have the minutes from that meeting.

CHAIRPERSON GRONACHAN: We have the minutes from December, they are in tonight's packet.

MR. FERRELL: It would take a few minutes to read it.

MS. SAARELA: If you want to pass on it for a minute and take a look at the old motion and look at the reasons. We can take a minute to do that.

(A pause was had in the proceedings.)

MR. FERRELL: Okay. Do you mind, kind of quickly going over what you went over last time. You don't have to be as detailed. I apologize. I wasn't here at the meeting.

MS. FRASS: I do recognize some new faces tonight, too, and was wondering. Unfortunately, you missed the benefit that they had of when we hung the banner, so you could drive by and actually
MR. FERRELL: You want to do that real quick?

MS. FRASS: Is this working tonight? Is this upside down?

Our request was for the installation of two illuminated flex based cabinets for Comau Industries. I have some boards up there and then I have these drawings on the end. I have this one right here. These were to give you simulation. Those banners were hung for that December meeting. I remember us talking about how snowy and cold it was, but you could still see them from the highway.

Comau Industries has been growing and expanding in the Detroit area. They have a branded logo and they like to keep a consistent appearance with all of their different locations, with their signage.

And in keeping with this uniformity, we are adding exterior signage
along highway 96 to increase the visibility of this location.

This site has quite a large footprint. They have three buildings that encompass over 500,000 square feet. The Novi Industries building here is 380,320 square feet, 855 lineal feet along this elevation, which is nearly 3/16th of a mile, and if you have driven on 96, this building just feels like it just goes on and on. That one is just short of quarter of a mile long.

They also have the auto technology building and then there is a quality technical center.

So at that meeting we had requested two signs, due to the vast nature of this footprint, each sign being 12 by 14 and a half feet for visibility. Because their building faces both the north and the east elevations, we had requested two, so that it would be visible for both directions of vehicular traffic. Otherwise only one direction would be able to see it.
So as you can see, Comau Industries has a large area in the City of Novi with substantial employment opportunities and we are increasing the visibility at this location currently. All they have is the standard monument — standard size monument all sign along Grand River.

At that meeting, we requested size and quantity variances and we were granted that by the board at that time.

Do you have any questions?

MR. FERRELL: No, thank you. I appreciate that.

I think I am good. So I move that we grant the variance in Case No. PZ16-0058, sought by Sign Works, for the additional signs that were previously approved for the 12-foot by 14 and a half foot, but were advertised for ten foot 12-foot.

Without the variance, the petitioner will be unreasonably limited with
respect to use of the property due to the uniqueness of the property and location of it, facing I-96.

The property is unique because it does face I-96 and the length of the building is why the two signs were requested. Petitioner did not create the condition. The relief granted will not unreasonably interfere with adjacent or surrounding properties, and 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 on the motion? Seeing none, Monica, will 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 Nafso?

MR. NAFSO: Yes.

MS. DRESLINSKI: Chairperson Gronachan?

CHAIRPERSON GRONACHAN: Yes.

MS. DRESLINSKI: Motion passes five to zero.

CHAIRPERSON GRONACHAN: Great seeing you again. Congratulations again. And I don't want to see you here next month.

MS. FRASS: Thank you very much.

CHAIRPERSON GRONACHAN: Thank you. Good luck.

Case No. 2 is tabled.

So our next case is PZ16-0064, Dan Dempsey.

Petitioner is present coming on down to set up. The petitioner is requesting a variance to allow the installation of an oversize accessory building in the front yard.

Good evening and you are?
MR. DEMPSEY: Dan Dempsey.

CHAIRPERSON GRONACHAN:

Mr. Dempsey, would you please spell your last name for the recording secretary.

MR. DEMPSEY: D-e-m-p-s-e-y.

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

Do you swear or affirm to tell the truth in the matter before you?

MR. DEMPSEY: I do.

CHAIRPERSON GRONACHAN: You may proceed.

MR. DEMPSEY: Mine is pretty simple.

I have a garage, which was actually a horse barn on the property. I have got an acre of land on Nine Mile. And the horse barn had a caved-in roof, it was time to knock it down. And my in-laws, 89 and 86 were going to move into the house, but they wanted a garage, so my wife and I agreed to build one.
And we went and bought a plan at Menards and presented it for permit and found out it was bigger than the horse barn, therefore we got a problem.

It's not in the front yard, even though from an address point of view it is because our property is on Nine Mile, even though it faces east on a private drive, all the houses on the private drive face each other. And so actually faces east. So it is actually where the garage was originally and where the driveway is.

So basically what I am asking for is a variance to build a bigger garage where the horse barn was, that actually you couldn't park a car in.

CHAIRPERSON GRONACHAN: Do you have some pictures to show?

MR. DEMPSEY: I supplied everything.

CHAIRPERSON GRONACHAN: You don't have anything with you.

MR. DEMPSEY: I gave 14 copies.
Mr. Butler, you have them all, correct?

CHAIRPERSON GRONACHAN: We did.

MR. DEMPSEY: Oh, do I put it up here, you mean?

CHAIRPERSON GRONACHAN: Yes.

MR. DEMPSEY: Let me see what I have got. This is the drawing. So Nine Mile, as you can see where it says Nine Mile on the right, the garage is where the original garage was.

Now, the city had the drawing wrong, the horse barn is actually 18 by 33, but they had it as 20 by 30 that detached garage drawing there is actually what the city had on file for the original house. And then what I have done, is I have added onto what the size of the garage would be that will be replacing it.

So you actually couldn't park a car in there originally. So it had a sliding barn door that when closed it was too small to put a car in.

We have to go wider, wider
with the footings west and north, but other
than that, there is no change to the look and
feel. It's an acre property, Nine Mile, over
65 feet from the curb, so we have got plenty
of setback.

And it's all trees along Nine
Mile, you can't even see it from the road.
The picture that I provided, I assume you
guys all have them, shows a view from Nine
Mile, all you can see as much as you can, you
can't even see it. I had all the neighbors
sign an approval and submitted that, too. We
are only surrounded by four houses, but --

CHAIRPERSON GRONACHAN: Okay.

MR. DEMPSEY: There is no other
place to put it, the reality is that, you
know, at first they thought I was actually
trying to put it in the front yard, but if
you look to the front of the house, which is
where it says well -- so the front of the
house is my -- well, on the back of yard is a
septic field, and on this side is another
house. I am right along the driveway on that
side.

So really is no other place to put the garage but where the original garage was. So all we are asking to put another garage there.

CHAIRPERSON GRONACHAN: Good job. Is there anyone in the audience that wishes to make a comment tonight on this case? Seeing none, correspondence?

MR. NAFSO: Absolutely. There were 18 letters mailed, zero letters returned, one approval and no objections.

The approval letter states, "this is a much needed improvement to our neighborhood, the barn which the new structure replaces was built in the 1950s", and that's in the name of Patrick A. Kennedy, dated February 9, 2017.

CHAIRPERSON GRONACHAN: Building department, any comment?

MR. BUTLER: No comments.

CHAIRPERSON GRONACHAN: All right. Board members? Member Byrwa.
MR. BYRWA: Yes, the garage here, it's pretty much going to be for vehicle storage or --

MR. DEMPSEY: Actually both. My in-laws are downsizing from a bigger house, so that's why we are building a bigger garage, two cars, then it would have a little storage room for them because the house is only 1,300 square feet, not enough storage.

MR. BYRWA: Thank you.

MR. DEMPSEY: Just a garage. That's all it is.

CHAIRPERSON GRONACHAN: Okay. Anyone else?

I have some questions. I wanted clarification. In our packet, there was a drawing of a -- is that the Menards drawing, it shows two story.

MR. DEMPSEY: It's actually got a loft up top. I got bullied into that. My father-in-law smokes cigars, so he wanted to be able to go up there and smoke cigars, that's what his dream is. That's the only
reason it's there. Other than that, not
going to be anyone living there.

CHAIRPERSON GRONACHAN: So the
upstairs is going to be finished or it's just
like --

MR. DEMPSEY: It has a flooring,
you walk up, it's like an attic.

CHAIRPERSON GRONACHAN: There is
not going to be any additional changes to
that or not living space or anything like
that?

MR. DEMPSEY: Not at all.

CHAIRPERSON GRONACHAN: All
right. That's the only question I have.

Anyone else?

I would like to entertain a
motion. Member Krieger.

MS. KRIEGER: I move that we
grant the variance in Case No. PZ16-0064 for
Dan Dempsey, 43641 Nine Mile Road sought by
the petitioner. He has shown a practical
difficulty that the address is on Nine Mile,
but house faces a side road, which faces
east. So the garage that will be placed will
be misunderstood by someone just passing by
on Nine Mile.

Without the variance,
petitioner will be unreasonably prevented and
limited with respect to the use of the
property as he stated, that it used to be a
horse barn and it's not enough for two
vehicles.

And the property is unique
because of its placement on the side road
with the Nine Mile address.

And therefore, the petitioner
did not create the condition. The relief
will not unreasonably interfere with adjacent
or surrounding properties, due to neighbors
sending in the petition, their agreement with
this, and the relief was consistent with the
spirit and intent of the ordinance.

MR. FERRELL: Second.

CHAIRPERSON GRONACHAN: It's
been moved and second. Any other further
discussion?
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 Nafso?
MR. NAFSO: Yes.

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

MS. DRESLINSKI: Motion passes five to zero.

CHAIRPERSON GRONACHAN: Your variance has been granted. Good luck to you. Be in touch with the building department.

Okay. Our next case is PZ17-0001, for 4 Tech Signs, 46077 Grand River.

The applicant is requesting a variance for the City of Novi to allow a
non-conforming ground pole sign to be used for changeable copy.

Good evening. Are you both going to give testimony this evening?

MR. SIMON: Yes.

CHAIRPERSON GRONACHAN: Would you please both come to the podium so you can state your names for our recording secretary.

MR. SIMON: I am Adam Simon, S-i-m-o-n, from 4 Tech Signs.

MR. ISSA: I am Said, S-a-i-d, last name Issa, I-s-s-a, owner of the property.

CHAIRPERSON GRONACHAN: Gentlemen, can you raise your right hand to be sworn in.

Do you swear or affirm that the information you are about to give in the matter before you is the truth?

MR. SIMON: I do.

MR. ISSA: I do.

CHAIRPERSON GRONACHAN: You may proceed.
MR. SIMON: So I did not finalize the copy. I am just the applicant on this one, so I do not know which drawing you have, so I came up with multiple drawings depending on what would suffice for approval.

CHAIRPERSON GRONACHAN: Variety is always good.

MR. SIMON: Our submission at first was a couple different submissions we have been working on for the past six to eight months.

We have -- what we are looking at trying -- this is what we are looking at trying to do, if you see up here the detail, would be to create a brand new frame with a three by six LED message board.

Initially we were going to try and go with what the city would allow for a monument.

But obviously the 3-foot from the right-of-way, this is what we assumed was the right-of-way considering every other city I have worked with it's usually three foot
from the sidewalk area.

But come to find out, this special property, I don't know if you can see that, where the line where it says 139.94, that area right there would bring the monument sign about 25 foot deep into the middle of the parking lot. And since there is no possible way to grant a variance from the county, we were told by Jeannie to go ahead and try and do something along these lines with the non-conforming sign there. Mostly because it's like 22 feet in the air, and by the time people realize where they are trying to go, they have already passed it.

CHAIRPERSON GRONACHAN: I need to stop you right there because we have a different sign in our packet.

MR. SIMON: I have lots of different --

CHAIRPERSON GRONACHAN: Which was the sign that was advertised?

MR. SIMON: Let's see. The packet you have would be -- I brought a bunch
of copies. I didn't know if they created copies for you.

CHAIRPERSON GRONACHAN: We have copies.

MR. SIMON: I believe this is the one that they went with. Since then we filed for it, I don't know, maybe like a week after the last meeting, so we got in a little too late, since then they were trying to see if it were possible while we were at the meeting do suggest another option to install the LED on there. Obviously if we got approved for this one, we would be happy to go with this one as well.

CHAIRPERSON GRONACHAN: Okay. The problem with changing anything at this point is about the advertisement of the case and how it's presented to the area neighbors, so if there is something that you would like better than this, we can table it for next month and we can readvertise if there is something that you can -- that you like better than what you were going to present to
us tonight, or go for it tonight and see what happens.

MR. ISSA: I'd like to go for it tonight and possibly see if we can do any adjustments, maybe come back another --

CHAIRPERSON GRONACHAN: I am leary on the adjustments, but we have to hear what you have.

Because again whatever -- if it's more than what we advertise, we can't really change it. It's other than what we advertised.

MR. SIMON: I saw the first motion come back because of the size change.

CHAIRPERSON GRONACHAN: Okay.

So can you help us out and explain what's going on in this picture?

MR. SIMON: This is a before and after picture using the same space to present a digital sign in there to attract attention to the business. Also with staying within reason of the sign ordinance, LED signs.

CHAIRPERSON GRONACHAN: Okay.
Is there anything else?

MR. SIMON: Do you have anything to add?

MR. ISSA: Yes. As Adam mentioned, one of the main reasons we are seeking a sign that would, you know, grab the driver's attention or drivers that are passing by is so that you could recognize that there is a business there.

As you know, the building kind of is low, sets back down and it's like at the bottom of a little bit of a cliff because the light is red at the peak where the expo center is. So our building kind of lies a little below a peak, and as you're driving towards -- I guess it would be going -- you go from Beck to the right onto Grand River.

So you are heading west, as you are driving, you barely even see that sign because it's so high, you have trees that are blocking it, and you don't see the building. So by the time you know, you have passed it.
In fact, I have had employees that have started working for us, that have missed the location a couple of times. So that really kind of emphasizes the significance of a need for some kind of sign that would, you know, let people know where the location of Amos is (ph).

Amos is actually a family business that was started in Ann Arbor. This is our eighth location. And we've been very successful in Ann Arbor, Ypsilanti. We have gone into Brighton and, you know, we actually started the first location in Novi within the Twelve Oaks Mall, but we wanted to be out closer into the community, that's why we chose this location. But one of the major issues that we are really struggling with, actually business-wise has been done devastating. Our business is practically on the verge of basically collapse. Because it does not have that kind of appropriate signage.

This signage would be
definitely a start, but that other sign that
we obviously didn't advertise for and may
consider coming back for is it allows to be a
little lower that when somebody is driving,
they can see some kind of signage because
again, Grand River kind of goes -- it's not
flat, it kind of goes up and down and as
you're driving, you're kind of going up,
shooting up in the air, branches and trees
are blocking up there. Only thing you see is
a part of a post, as you're coming down you
are just flying by and you're not seeing it.

Our signage is a real major
issue for our business existence.

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

MR. ISSA: No, unless you have
any questions.

CHAIRPERSON GRONACHAN: Is there
anyone in the audience that wishes to make
comment on this case? Seeing none,
correspondence.

MR. NAFSO: Seventeen letters
were mailed, two letters were returned, zero approvals, zero objections.

CHAIRPERSON GRONACHAN: Thank you. Building department.

MR. BUTLER: Just quickly speaking, due to there is a non-conforming sign, there is not a whole lot that he can do in that area, that's probably the best that we can see that he could probably do it. Normally for a non-conforming sign, we normally don't even approve non-conforming signs to be changed out. Because they are considered non-conforming signs.

CHAIRPERSON GRONACHAN: For clarification purposes, you're saying the particular sign that's on this site now is non-conforming?

MR. BUTLER: Yes.


MS. KRIEGER: Can the -- I don't know which -- who to ask, if the pole sign
can be shrunk to 15 feet.

MR. ISSA: We would love that.

MR. SIMON: Usually -- I mean, you can't -- like he said, considering it's a non-conforming sign it's almost like something that's grandfathered in. Like if I wanted to build this sign right now, they would say like our first one that I was trying to show you, because of the right-of-way, they won't allow a monument sign there per the county road commission.

MS. KRIEGER: So it involves the county?

MR. SIMON: Well, per Novi, they allow you to do a monument, but because of the uniqueness of the property and how it is, it would have to be pushed to the middle of the parking lot.

CHAIRPERSON GRONACHAN: I'm sorry. Member Krieger is asking if this particular sign could just be lowered.

MR. ISSA: If that was something that you granted, we will love that because
it would be exactly what we would need for that exposure, it's not so high up that it's blocked by the trees that you're only seeing the pole, so you bringing it down so that you are more in the visibility of the drivers, that would be an excellent suggestion and obviously we would --

MS. KRIEGER: Can the city do that with the county?

MS. SAARELA: That wouldn't really impact the county. I think what we are talking about in decreasing the height is just changing the non-conformity, so we probably would have to readvertise that just so we can see what the change in the non-conformity would be.

MS. KRIEGER: The purpose -- you're right across the street from the Suburban Showplace. I'm surprised because I think it would be more popular just run across the street.

MR. ISSA: That's exactly it, but the building is set so far back, low
lying, and that you have other buildings
that's in front of it there, and then the
light there, it's like you pass by us, as if
it doesn't exist.

MS. KRIEGER: I noticed when I
was driving that it's easier to see you
coming west to east than east to west.

MR. ISSA: We are very much
struggling with the business because of that
more exposure.

MS. KRIEGER: With the LED
changeable sign, your intent is to -- what
would you -- like an example want to put up
there?

MR. ISSA: Like for our
customers, whether we are doing a lunch
special, particular new menu, that we would
have on there, particular type of feature
sandwich that we would have. Maybe have a
picture of -- you know, consistent with what
we have done with our signages, at the other
locations.

MS. KRIEGER: Thank you.
CHAIRPERSON GRONACHAN: Anyone else?

I am going to jump in. My suggestion -- then I am not saying this for anything but to help you guys out a little bit. I think you should table it. I think you should bring the lower sign back.

This is -- and if the other board members agree with me, if you have been out to the site you blend in with the road real well. That's the biggest problem. That sign being as high as it is, I don't know that that LED at that height is going to help any. Bringing it down a little bit might be your solution. And we can't change that tonight, it would have to be readvertised. So I would like to see that. We want to see all the businesses succeed in Novi.

And I think that you have got this much time and effort into it, 30 more days is not going to hurt. I think it might help you hit it out of the park. That's my recommendation.
And if there is other members
that would be in support of tabling this for
next month, if the petitioner is --

MR. SIMON: Before you go ahead
and make that motion, is the LED still going
to be involved with the lowering as well?

CHAIRPERSON GRONACHAN: It would
have to be because it's part of the -- it's
got to be the whole package.

MR. SIMON: Okay.

CHAIRPERSON GRONACHAN: Whatever
the sign is -- whatever you finally decide on
what the sign is, plus the lowering of it,
what you bring to us, that's what's going to
be advertised, that's what we would be
looking at. So it's to be your best --

MR. ISSA: Do you think before
you make your motion or table or whatnot,
that we should -- that this would be the most
easiest to be approved?

CHAIRPERSON GRONACHAN: I can't
comment on that.

MR. ISSA: The other question
that I would like to ask, can we advertise both the possibility of putting something like this (ind)?

CHAIRPERSON GRONACHAN: It's got to be one or the other.

MR. ISSA: Having something like this with the LED out of the box, just maintaining the box and bringing it down?

CHAIRPERSON GRONACHAN: It's whatever the final draft is, that's what you got to advertise for. We can't have multiple choice.

MR. ISSA: I did kind of hear that choice was nice, so --

MS. SAARELA: What you could do is advertise for the proposal that requires the most variance and in the event that the ZBA is considering scaling back from whatever your large variance request is, they can dial it back to make it a more minimal variance.

MR. SIMON: With the conditions that we make it's only a certain square footage or something.
MS. SAARELA: Like if you wanted to advertise for the one with the sort of two signs there, the ZBA at that time thought, no, you just want it on the one, they could dial it back to something smaller. We just can't make it a bigger or, you know, more impactful in the non-conformity.

CHAIRPERSON GRONACHAN: Does that sound like a workable plan for you?

MR. ISSA: I first want to thank you so much for your support. I actually feel that you’re inviting and welcoming to the community, so our goal is actually to have two or three locations, you know, with the community members here and it's really a community based type deli.

So I appreciate your openness to this and we look forward to coming back next month.

MS. DRESLINSKI: Just so you guys know, if you readvertise, you have to reapply and repay the fee.

MR. SIMON: If we do it
immediately --

MS. DRESLINSKI: We can get you on March, but you will have to repay that fee that you guys first paid the first time.

CHAIRPERSON GRONACHAN: I am not in charge of the discounts, but before you go anywhere, we still have to make it official.

So all those in favor of tabling Case No. PZ17-0001, to March of 2017 say aye.

THE BOARD: Aye.

CHAIRPERSON GRONACHAN: We are all in favor so the case will be tabled until next month. We will see you then.

MR. SIMON: Thank you very much.

MR. FERRELL: Hang on. I had a question real quick before we do that.

It's for the city attorney.

If they were to lower the sign even like a foot, that's still required?

MS. SAARELA: The thing is, it's a non-conforming sign, whether lowering it would increase the non-conformity, I don't
know if there is a definition of lowering it, is that going to be more of an impact on the surroundings, I don't know. I guess we would have to look at that and see if it -- what they are proposing creates more of a non-conformity.

MR. FERRELL: I wish we could have got it done tonight, instead of them paying another fee for it.

MS. SAARELA: I don't know because we don't see it. We don't know what the lowering, how that would impact and change the non-conformity.

MR. FERRELL: Not changing like the sign, just the height of it.

MS. SAARELA: If there is a consensus that that decreased the non-conformity, I think you could have approved that. But you would have to come to that consensus that lowering it would decrease the non-conformity, then that's less of a variance.

MR. FERRELL: Would that be a
discussion for the board?

MS. SAARELA: I think that would be a discussion for the board.

MR. FERRELL: We could do that?

MS. SAARELA: You could. If you conclude that the facts show that that's a lesser variance, you could grant that lesser variance.

CHAIRPERSON GRONACHAN: I am confused. The building department --

MS. SAARELA: That would just be lowering, not adding that is secondary -- that's a bigger sign, that increases the non-conformity.

If you are talking just lowering it, that may be a decrease, you may discuss those facts among you, but if you're talking lowering and adding additional signage underneath, that's a bigger sign face.

MR. FERRELL: Well, not leaving the sign face the same, because that's one of the options --
MS. SAARELA: Right. Leaving the sign face the same, you could conclude that factually that's a lesser variance.

MR. FERRELL: But like the one with the LED sign that's built into the sign, it doesn't change the size, right?

MS. SAARELA: Correct.

MR. FERRELL: I mean, I am just trying to save the petitioner from spending extra time and money.

MR. SIMON: We have been working on it -- I think we built the first sign in April of last year, so, it's been -- another month --

MR. FERRELL: My question is, is this something the board wants to discuss. I mean, I am not opposed to it.

CHAIRPERSON GRONACHAN: I am confused because when I looked over here, the building department said he's non-conforming and will need to readvertise, so that was where I took my lead from.

So if we don't have to
readvertise, and we can have a discussion and we can lower the sign, then I am in favor.

But based on what I thought I understood, we had to readvertise.

MR. BYRWA: If we agree that lowering is not increasing the non-conformity.

CHAIRPERSON GRONACHAN: It's up to you guys.

MS. SAARELA: You need move to reconsider your last vote first.

CHAIRPERSON GRONACHAN: We have to make a motion to reconsider. Do that first.

MR. FERRELL: So I move that we reconsider the -- I move that we reconsider tabling Case. No. PZ17-0001 for further discussion to determine if lowering the sign does not increase the non-conformity.

CHAIRPERSON GRONACHAN: Is there a second?

MR. NAFSO: Second.

CHAIRPERSON GRONACHAN: It's
been moved and seconded. 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: Sure.
MS. DRESLINSKI: Member Nafso?
MR. NAFSO: Yes.
MS. DRESLINSKI: Chairperson
Gronachan?
CHAIRPERSON GRONACHAN: Yes.
MS. DRESLINSKI: Motion passes
five to zero.
CHAIRPERSON GRONACHAN: Okay.
So gentlemen, don't leave yet.
Let's have a discussion now.
MR. FERRELL: I got a question
for them, Madam Chair.
CHAIRPERSON GRONACHAN: Member
Ferrell, please proceed.
MR. FERRELL: Do you guys want
us to do this? I guess we should have asked
that prior to the motion.

MR. SIMON: If you would approve
our motion with the condition that we lower
the sign.

MR. ISSA: To 15 feet.

MR. SIMON: We can accept
whatever height you think Mr. Lawrence Butler
will allow to --

MR. FERRELL: The sign that you
want is the one that's the same size or just
LED -- can you put it back on there so we
could see that?

MR. ISSA: It's there.

MR. FERRELL: The one on the
right?

MR. ISSA: The one on the right
allowing us to bring it down to 12 to 15 feet
from the -- definitely as Council Member
Krieger mentioned would allow greater
visibility as you are driving down the street.

CHAIRPERSON GRONACHAN: What
would the new measurement from the ground,
would you please --

MR. SIMON: As of right now, we are at 17 feet with the two or four inches, so if we lost five feet on that, we would be at 12 feet.

MR. ISSA: It's got to be at least a 10 foot clearance.

MR. SIMON: It would be 12 feet from the bottom to the grade.

MR. ISSA: Can we go down ten if the building department --

MR. SIMON: Mr. Butler, what's your clearance in the city?

MR. BUTLER: I don't have that right at hand, but I believe it's going to be 10 feet.

MR. SIMON: We would ask that it would be cut down seven feet for a 10-foot clearance.

CHAIRPERSON GRONACHAN: Again for clarification, so the only thing at this point that we would be doing is reducing the height from 204 inches to 10 feet, the size
of the sign and the LED would be within the sign. The sign would be 48 inches in width and 112 inches in length.

MR. SIMON: Same as the existing.

CHAIRPERSON GRONACHAN: Exactly what we are doing but just lowering it.

MR. SIMON: Correct.

CHAIRPERSON GRONACHAN: I have no problem with that whatsoever. If there is no further discussion or --

MR. BYRWA: Just to clarify, that measurement would be to the bottom edge of the sign.

MR. SIMON: Bottom edge to the grade, correct.

MS. SAARELA: We just make a finding to that. You think that that is -- that decrease is the non-infirmity and why.

CHAIRPERSON GRONACHAN: I do believe it decreases the non-conformity because I believe that the current sign does not serve the location and the petitioner has
so approved that their business has decreased dramatically, that it does not serve a proper identification for the business.

I am in support of this because it brings it into the norm and to eye level.

Nobody is driving like this, to look at the sign, when you're driving especially down Grand River, given the safety issues at hand, and as busy as Grand River is and the change in speed limits in that area, because you are doing 45, I think, and you're coming down 40 or might be 55 down to 40, and I think that this is growing and changing area, and I think in order to help this business succeed, that the request given made by the petitioner is minimal and reduces a negative impact on the surrounding areas, and helps identify this business better within the confines and non-conforming lot that is there. Does that cover it?

MS. SAARELA: Sure.

MS. KRIEGER: The pole, would it
need a skirting or post where it's in the ground?

    MR. SIMON: If you would allow us a skirting, that would definitely make it a better looking sign.

    MR. ISSA: I was actually hoping we would have that in our drawing instead of having just a pole standing like an eyesore is that we have it skirted. Consistent with the sign, just skirt it down.

    MR. SIMON: We could put that with an aluminum covering.

    MS. SAARELA: I think you're making too many changes now. I don't know how that would impact the non-conformity. That is going to be a factual finding, you would have to see it.

    MR. SIMON: Can I make one comment regarding that.

    The skirt is basically practically maybe just four inches on each side of the post, so that it would just look more consistent with -- if you look at the
expo center, it's all skirted type of signage.

CHAIRPERSON GRONACHAN: Again, to the point of the city attorney, now we are changing everything. We either go with what's in front of us, or we are going to table and --

MR. SIMON: Let's go --

MR. ISSA: We will go with it and we can always come back.

CHAIRPERSON GRONACHAN: If you change something, we have got to go down another wrong road.

MR. SIMON: That's fine.

CHAIRPERSON GRONACHAN: Any further discussion? All right. Anybody want to try a motion?

MR. FERRELL: Sure.

CHAIRPERSON GRONACHAN: Member Ferrell.

MR. FERRELL: Thank you, Madam Chair.

I move that we grant the
variance in Case No. PZ17-0001, sought by the petitioner, for LED message board added to the sign to not increase the sign size, but to add it to the portion of the sign.

Without the variance, the petitioner will be unreasonably prevented or limited with respect to the use of the property, due the angle of the property having to put the sign, as the petitioner stated, 25 feet back from the right-of-way, per the county guidelines.

The property is unique due to the angle of the roadway and the setback of the building, inhibiting visibility of the sign. The petitioner did not create the condition, due to the building, preexisting property.

The sign is a non-conforming sign, it is not appropriate for the building location. Lowering the sign from 17 feet to 10-foot, bottom edge would not increase the non-conforming sign. I'm not sure what to say for that part. City attorney?
MS. SAARELA: Not increase the non-conformity.

MR. FERRELL: Not increase the non-conformity. Is there anything that I missed?

Relief is consistent with the spirit and intent of the ordinance.

MR. BYRWA: Second.

CHAIRPERSON GRONACHAN: Okay.

It's been moved and second. 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 Nafso?

MR. NAFO: Yes.

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

MS. DRESLINSKI: Motion passes five to zero.

CHAIRPERSON GRONACHAN: Skated by that one.

MR. FERRELL: I just didn't want to see you guys come back.

CHAIRPERSON GRONACHAN: Congratulations. And please work with the building department.

MR. ISSA: Thank you.

Appreciate it.

CHAIRPERSON GRONACHAN: Okay.

Our next case is PZ17-0002, Lockard Construction, north of Eleven Mile and east of Town Center.

The applicant is requesting a variance for the city ordinance to reduce the required outdoor recreation play area.

The petitioner is here.

Good evening. Are you both going to give testimony this evening?

MR. WHITHEAD: Yes.
CHAIRPERSON GRONACHAN: How many people do we have?

MR. WHITHEAD: We will have three.

CHAIRPERSON GRONACHAN: If you are all going to be giving testimony. Would you please state your names and spell them for our recording secretary and then I need to swear all of you in.

MR. WHITHEAD: Dustin Whitehead, W-h-i-t-e-h-e-a-d.

MS. DAHLIN: Shiloh Dahlin, S-h-i-l-o-h, D-a-h-l-i-n.

MS. ROOK: Jennifer Rook, J-e-n-n-i-f-e-r, R-o-o-k.

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

Do you swear or affirm to tell the truth in the matter before you?

MR. WHITHEAD: Yes.

MS. DAHLIN: Yes.

MS. ROOK: Yes.
CHAIRPERSON GRONACHAN: You may proceed.

MR. WHITE: Dustin Whitehead with Lockard Development, before you to request a reduction in the playground area for a proposed day-care facility behind Town Center off Town Center Drive.

Some of the reasons for the request, your code currently would require this 10,000 square feet facility to have a playground that would be 22,500 square feet.

Given that, the site, size that we currently have, which is about two acres, would not be large enough to accommodate basically 30,000 square feet of total area. Some of the things to point out, we can put a site plan up, is the right-of-way berm that's out front, the landscaping that we have included as well as parking.

Typically we when come into a market, we are seeking a site that's actually closer to an acre and a half to build a
10,000 square foot facility with about 5,000 to 8,500 square feet playground. That falls more in line with what the state code would require, as well as with the functionality of the center. Jennifer can speak to the operations of the center.

Based on state code, and the site plan shows it as well, will be required about a 7,200 square feet playground facility which would accommodate 150 children.

And with that, I can turn it over to Jennifer to talk about the operations, but all 150 children would not be out there at the same time, they would take shifts to go out and play in between their activities.

So with that, I will let Jennifer speak to any, I guess, questions on the operations for that.

MS. ROOK: Any questions?

CHAIRPERSON GRONACHAN: We are not there yet. Do you have anymore presentation?
MS. ROOK: No. I mean, typically the children do not go out all at the same time, it's one classroom at a time. Typically no more than 20 to maybe 25 at the very most at a time on the playground, so I mean, they don't really need more than, you know, what he said, 8,000, 7,000 square feet at the time. A 22,000 square foot playground is bigger than the building itself.

CHAIRPERSON GRONACHAN: Anything else to add?

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

Seeing none, is there any correspondence?

MR. NAFSO: There were 19 letters mailed, four letters returned, zero approvals, zero objections.

CHAIRPERSON GRONACHAN: Thank you. Building department?

MR. BUTLER: No comments at this time.
CHAIRPERSON GRONACHAN: Thank you. Board members? Member Ferrell.

MR. FERRELL: Thank you, Madam Chair. For the city, is there like state laws or anything that would require more square footage? I mean, I don't --

MS. SAARELA: I haven't researched that issue. I would have to come back to you with that. I don't know what the state laws are impacting the day-care facilities.

MR. WHITHEAD: I can speak to that. The state code has a certain requirement per child, and for -- the facility is going to have about 150 children, and under that requirement there would be 7,227 square feet that would meet the requirement for the state.

MR. FERRELL: Thank you.

CHAIRPERSON GRONACHAN: Anyone else? Nothing?

MS. KRIEGER: No.

CHAIRPERSON GRONACHAN: Give us
a little history about the Learning Center, like ages, how many children total. Is it a seven day a week operation, or just Monday through Friday, that kind of history?

MS. ROOK: It's a Monday through Friday operation 6:30 to 6:30. We offer programs from about six weeks to six years old. We have infants all the way through roughly kindergarten, so we don't have any school agers. We stop right before kindergarten. We have programs throughout the country. We started in Jersey and now our home base is now in Florida. We have corporate locations and we have franchise locations all across the country, about 130 locations throughout the country, extending probably over 200 in the next two years.

CHAIRPERSON GRONACHAN: How did you come to this location at the Town Center?

MR. WHITE: The Learning Experience actually had the site presented to them and so it met a lot of the criteria that they look at as far as size. It has to be
large enough to accommodate 10,000 square foot center, plus the playground, plus parking, pickup.

Some of the attributes that play into this site is the access, you can get in easily, it's near shopping, it's near homes, it's on people's way to and from work. All the things that -- I have a five and three year-old, drop them off at day-care. It's all those things, you know, those parents want to have, quickly on their way to wherever they're going, so that's how the site came to be.

CHAIRPERSON GRONACHAN: So is it the other requirements that cut down the play area then? The screening and that sort of thing, or was the lot just not big enough for all of the requirements for this business?

MR. WHITHEAD: If we were to be at the 22,000 square feet, yeah, the lot just wouldn't be large enough.

As I said earlier, when we do an initial search for this type of site, we
are usually in that one and a half acreage range. And the reason is, that playground size, we don't typically need a large playground. We didn't get into -- we really kind of had the site, you know, further designed before we ran into the playground size with your code.

CHAIRPERSON GRONACHAN: This playground size, this is not state mandated then? This variance is not going to interfere with any state requirements?

MR. WHITHEAD: No. If I am understanding your question correctly, I believe no. We could -- the size that we have shown in the site plan meets the state code.

CHAIRPERSON GRONACHAN: That's what I wanted to clarify. Thank you.

Any other board members?

Member Krieger.

MS. KRIEGER: Can you repeat what your hours of operation will be?

MS. ROOK: 6:30 a.m. to 6:30
p.m.

MS. KRIEGER: Monday through Friday?

MS. ROOK: Monday through Friday.

CHAIRPERSON GRONACHAN: I don't think I have any problem with this request. I think that the configuration -- first of all, I think there is a need, and I think that the configuration of this lot presents the challenges. I don't think that there is a need for as large of a playground based on the petitioner's testimony.

So, I feel that this is a minimum request, it meets the spirit of the ordinance. If any of my board members can concur or have anything else to offer?

MR. NAFSO: I have one question. Sorry I missed this. Is there a maximum number -- what would the maximum number of children be that you could have out on the playground, the size you are proposing?

MS. DAHLIN: I believe it's 48
that the -- if memory serves. I think it was 150 square feet per child.

MR. NAFSO: Your overall business model with 150 kids supports having that number of -- that maximum number of children on the playground on any given time?

MS. ROOK: Yes, because you have to go state ratios. So if there is a young -- if like there is a two year-old out on the playground, you have to go by the youngest ratio, which is a one to four ratio. You have to go by that ratio, you can't have more than 12 children in a group size. You also not only have ratios, but you have max group sizes. You can't have more than 12 children out at the same time. And then the playground split into two, so there will be 12 and 12, which is 24.

So you also have group sizes and you have ratio sizes. You can't really have them together during operating hours, so you wouldn't have them out there.

MR. NAFSO: So the other
regulations requirement would actually prevent from you having that number of children out there anyway is what you're saying?

MS. ROOK: Yes, on top of how many square foot per child, you have ratio size, you have group sizes and you have to go by youngest ages, versus -- yes, you have all different regulations with that as well.

MR. NAFSO: Thank you.

CHAIRPERSON GRONACHAN: Member Krieger?

MS. KRIEGER: The reduced outdoor recreation, do they have indoor recreation? Like it's raining outside?

MS. ROOK: We have like a make believe boulevard which is like an indoor room for the older children, but we will have like an indoor availability from them to have large motor opportunities for them inside, yes.

MS. KRIEGER: My area of expertise is not with kids, so the request is
reducing the required outdoor recreation area, and it sounds like from the -- what's being explained, that it complies with the state and the city and that there would be -- the area would be fenced in, properly supervised children, the right amount of proportion inside and outside. So therefore -- and works for kids, it works for their parents, so I don't have a difficulty with this.

CHAIRPERSON GRONACHAN: Okay. Thank you. I want a motion from someone, please. Member Krieger. Was that a motion or was that beginning one, or were you practicing?

MS. KRIEGER: I move that we grant the variance in Case No. PZ17-0002, for Lockard Construction, to reduce the required outdoor recreation play area, in the office service area. The variance -- without the variance petitioner will be unreasonably prevented it from -- limited from using the property, they will have the acceptable
outdoor play area and indoor play area for the children and proper proportion and supervision, and enclosure, and that the property is unique because of its location, but it's also -- in that uniqueness allows for parents and children to have adequate mobility in the city. The petitioner did not create the condition. The relief will not unreasonably interfere with adjacent or surrounding properties, would add value to especially for neighbors with parents and children. The relief is consistent with the spirit and intent of the ordinance for a well balanced area.

MR. FERRELL: Second.

CHAIRPERSON GRONACHAN: It's been moved --

MR. BYRWA: If I could add, that the proposed play area would be a minimum of 7,227 square feet.

MS. KRIEGER: Yes.
CHAIRPERSON GRONACHAN: Amended, with a friendly amendment and then accepted. Any further discussion? 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 Nafso?
MR. NAFSO: Yes.
MS. DRESLINSKI: Chairperson Gronachan?
CHAIRPERSON GRONACHAN: Yes.
MS. DRESLINSKI: Motion passes five to zero.
CHAIRPERSON GRONACHAN: Congratulations. Your variances have been granted. Good luck.
MR. WHITHEAD: Thanks.
CHAIRPERSON GRONACHAN: Our
final case this evening is PZ17-0003, Novi Town Center Plaza, LLC, 26150 Novi Road, north of Grand River and east and Novi.

The applicant is requesting a variance to allow a parking setback from 7.5 feet south to 7.8 feet and east to 10.4 feet.

I know the petitioner does not need to be sworn in.

MR. LANDRY: Good evening. My name is David Landry, L-a-n-d-r-y. I am representing this evening the petitioner, the Novi Town Center, Incorporated.

This evening the petitioner is requesting a parking setback variance, three of them actually, for the redevelopment of the current project known as Kim's Garden restaurant on Novi Road.

They are proposing a single building of 8,883 square feet, positioned up close to the road, Novi Road, with a pedestrian plaza.

In May the Planning Commission
unanimously approved this development. The Planning Commission granted setback variances for the building on the north, the west and the south. They granted landscaping waivers and they granted facade waivers.

In June this Zoning Board of Appeals initially denied the request for parking setbacks. Since that time, the developer has made material changes. They have decreased the size of the building from 9,013 to 8,883 square feet. They have converted one of the tenant spaces from retail to a dental office, and they have increased the parking setback on the east along Ingersoll 9.4 feet to 10.4 feet.

These materials changes were recognized by the staff as correct in their reports.

Now, this is a unique parcel because the parcel is bounded by three roads, Novi Road to the west, Crow Drive to the north and Ingersoll Drive to the east. Essentially, this parcel has three front
yards, that uniqueness was also recognized by the staff in their memorandum to the Zoning Board of Appeals, the staff supports this request as is indicated in the staff report.

This proposal provides significant improvements to this site. It takes a single use building. This is the existing Kim's Garden site right here. It replaces that single use building with a multi tenant building on a landscape site.

Now, the stated purpose of the TC zoning district is to develop pedestrian accessible commercial service district in which a variety of retail, commercial and office uses exist.

The proposed development positions the building close to Novi Road with pedestrian plaza as you can see on the board up here, that is architecturally consistent with the surrounding buildings. Bagger Daves to the south, the Fidelity building west across Novi Road is a single building with multiple tenants in it, and
recently we have had the Novi Crescent development across Novi Road a little bit to the north, which was the old Big Boys, took a single use building, replaced it with a multi tenant building and pulled it up close to the road. That's exactly what we are doing here.

This proposed site improves safety. Currently if I could point out, this building has a curb cut right onto Novi Road here. This is dangerous, you got a gas station, people are exiting the gas station and proceeding north, people are proceeding south and trying to turn into Kim's Gardens. This would eliminate that curb cut. It would close it off. Right now there is a curb cut to the east onto Ingersoll Drive. This proposal would close that curb cut off.

What the proposal would do is it would replace those two curb cuts with a single curb cut to the north exactly aligned with the 5/3rd bank, which is exactly what your zoning ordinance suggests.

In addition, there would be
installation of sidewalks all along Crow Drive and Ingersoll Drive. These would be separated from the parking lot by not only landscaping, but a decorative brick wall topped with a wrought iron rail.

Also, interestingly, along the southern border of the property currently, the asphalt that is there now protrudes over the property line onto the gas station. We would obviously be eliminating that.

Parking spaces. There are 67 parking spaces required. We are providing 69. We are not asking for a variance from the required number of parking spaces, from a safety standpoint, we are providing more than is required.

The fire department has approved the circular drive configuration. The parking setbacks in your ordinance require 20 feet. We are proposing from Crow Drive 9.8 feet, from Ingersoll Drive, 10.4 feet.

Now, the parking setback to
the south abutting the car wash would be zero. The Planning Commission recognized the benefits and approved this plan with several variances.

The only requirement is that we obtain parking setback variances from this ZBA.

Now, variances are granted due to practical difficulties. There are certain criteria. The first is that the need for the variance is due to the unique circumstances or physical condition of the property.

Here we have a piece of property bounded on three sides by a roadway. There were several instances in the past where this body has recognized that, in fact, for the neighboring Town Center, as a unique circumstance, suggesting that variance should be issued.

The need for the variance is not self-created. We didn't create the roads. It was there before we were.

Third, strict compliance would
prevent the applicant from using the property
for a permitted purpose or render conformity
unnecessarily burdensome.

The applicant has been working
with the administration for over a year. We
have tweaked and tweaked and have a
wonderfully cooperative relationship with the
staff to come up with this plan.

We are trying to achieve the
purpose of the TC district and to be
consistent with what Novi wants in the
surrounding area, these types of buildings
drawn close to the road with a pedestrian
plaza, the variances that are requested are
the minimally necessary.

The only zero setback is to
the south, which abuts a car wash with cars
lined up on Saturday morning.

Five, this will not adversely
affect the surrounding property. You should
have received four separate letters from
neighboring businesses indicating support for
this project, not the least of which is
Singh, 5/3rd Bank, Stellar Hospitality and Versa, which is across the street.

Looking at this project as a whole, I am going to suggest that this is exactly the use and the look that the city is encouraging.

Again, we are only asking for a parking setback variance, not a required parking space variance.

The other thing I want to point out is, we had a couple renderings that you have not received. Those are the renderings looking down Crow Drive.

If you look down Crow Drive, what you are going to find is, road, grass with trees, sidewalk, grass with plants, decorative brick wall with a wrought iron fence. That's the look you're going to have going into the Town Center whether you are a pedestrian or whether you're in a vehicle.

From inside the parking lot, you're going to have a parking block, grass, decorative brick wall, wrought iron fence up
on the top. This decorative brick wall serves the purpose of protecting headlights shining out onto the other areas, and somewhat screens the parking, along with the trees and the decorative wrought iron rail.

The Planning Commission approved this, the staff recommends approval. You have had four letters from adjacent businesses. I would ask this body to approve these variances. It is my understanding that there is someone in the audience who intends to speak in opposition to this.

I would like to reserve the opportunity to rebut to whatever those comments are. Those are all I have at this point.

CHAIRPERSON GRONACHAN: Thank you very much. Is there anyone in the audience that wishes to make comment on this case. Come on down.

MR. NEDELMAN: Good evening. My name is Michael Nedelman. I represent the Novi Town Center investors who own the Novi
Town Center.

We have provided extensive objections in writing to this body, which I trust all of the members have had the opportunity to review.

This proposal meets none of the criteria that would allow this board to grant the requested variances.

The parcel is not unique. It may be bounded on two or three sides by a roadway, but that doesn't make the parcel itself unique.

There is no practical difficulty in the development of this parcel in a manner that conforms with the zoning ordinances of the city.

Simply stated, this project is just too big for the site. The fact that it's too big for the site doesn't make for a practical difficulty, and doesn't make the project or the property unique.

The fact that the developer wants to take a single use building and
replace it with two large and multi use buildings is not justification for granting requested variances.

The proposed project only has sufficient parking because of the designation of a portion of this proposed project for a dental office.

There is, however, no requirements and no condition that that part of the project remained used as a dental office. If it were to be converted to retail, this project would wilfully lack parking.

The site plan that was approved by the Planning Commission, which was done so without public notice, remarkably without public notice, had numerous conditions attached to it.

I would suggest to this body that given the fact that the developer now wants to limit the use and wants different setbacks than the Planning Commission was originally provided with, that the Planning
Commission be given the opportunity in the first instance to consider the revised site plan and consider what additional requirements and what additional conditions would be appropriate, including, perhaps most importantly, if there were variances granted, which we don't believe there should be, that the area marked as a dental office be restricted to use as a dental office by a deed restriction. Because absent that type of restriction, this project lacks parking and the spillover will be to the adjacent properties including those owned by the Novi Town Center.

The applicant does not and cannot state to this board that the property can't be developed without the requested variances. It can be.

What can't be done without the variances is a project that is too large and too dense for this particular site. They can build it smaller, comply with the zoning ordinances, and life goes on.
The fact that they want too large a building, is not legal justification for this board granting the requested variances. We request that the requested variances be denied, and we thank the board for its attention. If you have any questions I am happy to answer them.

CHAIRPERSON GRONACHAN: Thank you. Mr. Landry, would you like to do your rebuttal now.

MR. LANDRY: I am a little surprised that the Town Center is claiming that this project is too large and that they're quite frankly objecting.

I did a little research. January 11, 2011, Wal-mart appeared before this ZBA in the Town Center, a very large tenant of the Novi Town Center. They sought and were granted 12 variances, four of them were parking setbacks.

The parking setback they were granted was zero. They provided zero parking setbacks.
What was reason they gave?  
What were the unique circumstances? The property is abutted by two or three roads, exactly the unique circumstance in this case. They argued it wasn't self-created because they didn't put the roads in. Exactly what we are saying in this case. Strict compliance would unreasonably prevent the owner, exactly what we are saying in this case, we requested variances that were the minimum necessary and would negatively impact. Interesting. Town Center saying zero setback would not negatively interfere with the surrounding properties. I have no problem with the variances granted to Wal-mart. None at all. I believe the exact same circumstances exist here.

That same night, January 11, 2011, the Town Center was here seeking a variance for a building called Town Center building X.1. The variances for the construction of the 17,442 square feet retail building to connect the existing building
with Wal-mart. They were plugging a hole, yet they claimed this building at 8,000 square foot too big for the site. They were plugging a hole. They were granted seven variances. Two of them were parking setback variances. They provided zero parking setbacks.

They argued the unique circumstance, it was they were trying to retrofit. Now they claim it's too big for the site. They claimed it wasn't self-created. They built Wal-mart.

Again, I don't object to the variance that was granted to them, this body found that it met the criteria. I don't disagree with that. I just find it a little bit surprising that they show up and claim that we are building too much for this property.

June 12, 2012, Crescent Place came before this body, replacing the single use Big Boy building. They wanted a multi tenant building. They were granted five
variances, two parking setback variances. They were provided 10 feet, just about what we are providing. The unique circumstances, the property is surrounded by three roads. Exactly our situation here. Replacing a single use building with multi tenant building, pulling it up close to the road, providing whatever parking setback we could, surrounded by three roads.

This body found it was unique circumstances not due to the applicant's economic difficulty, not self-created, would be unnecessarily burdensome to comply, the variance was the minimum necessary, no adverse impact.

October 14, 2014, Novi Crescent II appeared before this body, for six variances. Two of them parking setback variances.

Unique circumstances, the narrowness, shape of the lot, and pulling the building right up close to the road.

What I suggest to you is we
are doing the best we can with this property.

It is not too big for the site.

The last thing that Novi wants

is a project that's not going to make it. If

we were here trying to maximize dollars, we

would be asking you for a building twice as

big with half the parking.

That's a dangerous situation.

We are not asking for -- we shrunk the

building as much as we can to be consistent.

We provided the pedestrian plaza. The

Planning Commission approves it, your staff

approves it, four surrounding Town Center

area tenants approve it.

We would respectfully ask that

you approve it.

I am here to answer any

questions anybody has.

CHAIRPERSON GRONACHAN:

Mr. Landry, I do have a

question.

Could you please address the
dental office statement made by the Town
MR. LANDRY: This is the first time I have ever heard somebody say, yes, we provided all the necessary parking the zoning ordinance requires, but it's not enough parking? What is the issue here? It's a principle permitted use. And we have calculated the parking. We could not change that use without coming back before you, if we were not provided enough parking, and then at that time, depending on the use that went in, this body would say, no, I'm sorry, you can't have that use because you don't have the right parking. We have all the parking now. What's the issue? I don't see the issue. We can't in the future do whatever we want in there. We always have to conform with the ordinance of the city or obtain variances. That's our obligation.

But I have never stood before a ZBA complying with the ordinance and have somebody say, well, you know in the future, they might not comply. Well, all I can deal
with is what I have right now. All this body
can deal with is what they're faced with
right now. Because I might do something in
the future, that's not before this body. The
presence is before this body.

MR. NAFSO: Mr. Landry, to

Mr. Nedelman's point, would a land use
restriction be a better mechanism to bring
you back before the board in the event that
were changing the use versus -- the land use
restriction versus putting the
(unintelligible) on you to simply come before
the board, really unilaterally on you to come
before the board if the use happens to be
changed at a future time?

MR. LANDRY: I don't see why my
client should be encumbered with a land use
restriction. Let's say a dental office goes
in there. And we are going to put something
other than a dental office in. What has to
happen. We have to have a building permit.
You have to alter the building. They're not
going to give us a permit if we don't have
the requested parking, that's the city's protection. You don't need a land use restriction. I can't get a building permit to bring another tenant in there. That is the restriction the city relies on 364 days of the year. I don't think you need to burden anybody with land use restriction.

CHAIRPERSON GRONACHAN: Okay. Thank you. Is there any other comments in regards to this matter at this time?

Seeing none, correspondence?

MR. NAFSO: We have 29 letters mailed, four letters returned, four approvals, zero objections.

MS. DRESLINSKI: One objection. It's the one that Town Center read. It's in there.

MR. NAFSO: One objection also.

CHAIRPERSON GRONACHAN: Instead of -- we can just admit these to the record, do we have to read all of these?

MS. SAARELA: You don't have to.

You can just summarize the approval and
reason for approval.

MR. NAFSO: There is a letter from Singh signed by Avi Grewal, G-r-e-w-a-l, writing in support of Town Center Gardens and the variance they're asking for, believing that it will not only enhance Town Center, but Novi Road, Main Street as well.

A letter on 5/3rd letterhead, signed Jeffrey Wagner, vice president, regional real estate state director, from the Southfield location, voicing support for the proposed Novi Town Gardens at the current location.

Mr. Wagner believes the development would enhance the overall Town Center area, the type of development meets the purpose of the zoning district.

A letterhead is Stellar Hospitality, Midwest Lodging, signed Jimmy Asmar, Homewood Suites, Novi Town Center supporting the development. Referencing that it would include sidewalks along Crow and Ingersoll Drives, which would improve the
entire area. And he says he believed it architecturally improved the look along Novi Road and the streetscape.

Lastly in support is a letter on Versa Real Estate letterhead signed Gregory J. Erne, E-r-n-e, also writing to voice support, stating that the development with its multi-tenant building close to Novi Road, streetscape along Novi Road would be a great improvement to the Novi area.

He's also in favor of additional sidewalks along Crow Drive and Ingersoll Drive and parking, he believes the parking setback would not in any way harm the surrounding area.

In fairness to Nedelman, I do want to locate this letter. I also want to ask if there were any other letters. I know Mr. Nedelman may have referenced more than one. There was just the one?

MR. NEDELMAN: Just the one letter.

MS. DRESLINSKI: It's multiple
MR. NAFSO: We have a record of Mr. Nedelman's letter that's dated June 12, and follow up on February 7, 2017 prior to this meeting, where Mr. Nedelman restated his objection in a letter that's six -- sorry, five separate points that rebuts the letter that's submitted by the applicant, stating that standard number one isn't satisfied with no applicable circumstances or physical conditions or support any variance. As to standard number two, there being no practical difficulty --

MS. SAARELA: I don't think it's necessary to read everything.

MR. NAFSO: Nothing further.

CHAIRPERSON GRONACHAN: Building department?

MR. BUTLER: No comments.

CHAIRPERSON GRONACHAN: City attorney?

MS. SAARELA: Sure. I guess, at
this point, I just would like to respond to a
couple points that were in the letter
submitted from Mr. Nedelman's office.

He talks in detail about the
standards, but a couple other issues were
raised which were essentially legal issues.

One had do with this issue
having come before the board before. And an
assertion that it could not come before the
board again.

In response to that, the rule
in Michigan, and frankly, in general, with
respect to matters that have come before the
board is that they can come back if there is
a new plan to the material change two aspect
of the case. In this case we do have a
different plan than was before you before,
specifically there is three material aspects
of this plan that are different from the last
time you heard this matter, which is that the
building size has been decreased from 9,013
square feet to 8,883 square feet.

The one tenant space is now
from retail to dental office, and the parking
setback has been increased on the one side
from 9.4 feet to 10.4 feet.

So, in our opinion, the
material change aspect of this has been met
and they are entitled to come before the
board again.

With respect to the issue of
having to come before the Planning Commission
again before coming back to this board, the
changes which were basically decreases, you
know, to the impact of the plan, were
basically issues that could be handled
administratively by the community development
department without any variances necessarily
having to be modified by the Planning
Commission.

So it wasn't necessary for the
Planning Commission to look at the variances
that were already granted with respect to
these types of changes, and that was all set
forth in the planning memo.

In addition, I think you have
been provided additional information than
what you have heard before with respect to
the plan.

There is case law in Michigan,
McDonald versus Township of Canton, 177 Mich
App 153, 1989 whereby the plan in that case
wasn't even changed at all, the applicant
just came back before the commission, the
Planning Commission in that case, with new
information that was not available at the
previous meeting. So I think, you know the
applicant is able to come back before you.
If you have any other questions about the
issues raised, I would be happy to further
expand on it.

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

MS. KRIEGER: I can find that I
can grant the variance. The petitioner has
done due diligence and came before us, and
they have decreased their -- what they had
proposed before to what they have now.
The site plan itself is enclosed, it has the wall enclosure so that would kind of discourage spillage into other areas. On Main Street it gives Novi the spirit of the Main Street feel and it balances the other side of Novi Road, with its site.

And due to the conversation or the information that was provided, this property owner has a right to -- because of their due diligence and minimum requirement that they're asking for a variance has a right for their petition.

CHAIRPERSON GRONACHAN: All right. Thank you. Anyone else?

I do have so something to offer. And I have to congratulate the petitioner for doing such an excellent job in the presentation. It is 120 percent better than what we was presented to us a few months back.

I would like if Mr. Landry could please put the drawing -- the rendering
back up on the -- I think it's important that several issues be addressed, and only because they were part of the reason of our denials in the past.

I think that this presentation -- or this proposal that's in front of us addresses several concerns.

Safety, as Mr. Landry presented, I think that the sidewalks add to the safetyness and the overall esthetics of the city. It meets what the zoning -- what this -- what the ordinance is trying to do for this area.

Novi Road is not a safe area, as we all know. We all know what the challenges are of pulling into any one of these parking lots. By securing this off and adding the inclusion of the fences and the brick wall, it also contains the traffic from going over into the other parking lots.

And I think that addresses a major concern that perhaps the people who are objecting to this site, this address is that for the most part.
I don't feel if people are going to -- if the parking is too small that they're going to go down Ingersoll, drive all the way into the Town Center and then walk all the way back for the type of businesses. I just don't see that. I don't see it in other areas throughout Novi. I think that Novi did its due diligence when it was planning this.

Given the complexity of this case, I am going to ask if the board members have anything else to add to this and would ask the indulgence of the board to allow this Chair to make the motion if no one has objections to that?

Member Ferrell?

MR. FERRELL: Thank you. Yes, a question for the city.

Just with the tenant, the dental not imposing a land restriction on that, if there was -- I am still confused with that.

By them adding the dental
location, it allowed to have less parking?

MS. SAARELA: It's a less intense use, so they look at -- you know, there is charts that are developed to sort of average what -- how many people would visit this business versus a retail business, determined based on this type of use, not as much parking is required because you don't have as much -- you know, as many cars coming at one time. You have a -- you know, more limited use of the business.

MR. FERRELL: If it changes to something is else, it was mentioned about having a permit?

MS. SAARELA: It would depend on how much the building would have to be modified to whether another permit would be required, you know.

MR. FERRELL: Okay. Thank you.

CHAIRPERSON GRONACHAN: Anything else? Does anyone have any objection to me making the motion?

MR. FERRELL: Go for it.
CHAIRPERSON GRONACHAN: Thank you. I am a little rusty.

I move to approve variances requested in Case No. PZ17-0003, sought by the Novi Town Center Plaza, LLC, to allow parking setback reductions from .5 feet south to 7.8 feet and 10.4 feet because petitioner has shown practical difficulty consisting of three front yard setbacks, which would unreasonably prevent or limit the use of the property because front yard setbacks are more restrictive as to the parking than side or rear yard setbacks.

Petitioner did not create this condition, because the proposal is located with frontage on Novi Road, Ingersoll and Crow Drive.

The relief will not unreasonably interfere with adjacent or surrounding properties, because surrounding properties, including the Novi Town Center, have received multiple parking setback variances due to unusual circumstances and
configurations of properties in the TC-1 district.

The relief is consistent with the spirit and intent of the ordinance because the development is consistent with surrounding multi uses, buildings with rear parking -- and building with rear parking.

Therefore, I move that this variance be granted.

MS. KRIEGER: Second.

MS. SAARELA: I just got one thing. The first number you mentioned for the variance should have been 7.5, not 0.5.

CHAIRPERSON GRONACHAN: Sorry. So amended.

MS. KRIEGER: Second.

CHAIRPERSON GRONACHAN:

Any other further discussion? 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 Nafso?

MR. NAFSO: Yes.

MS. DRESLINSKI: Chairperson Gronachan?

CHAIRPERSON GRONACHAN: Yes.

MS. DRESLINSKI: Motion passes five to zero.

CHAIRPERSON GRONACHAN:

Gentlemen, your variance has been granted. Congratulations. And good luck to you.

Under other matters, easy for me to say, the city has suggested that we have some ZBA training sessions. And I am going to -- who is going to that lead, Monica?

MS. DRESLINSKI: Yes.

CHAIRPERSON GRONACHAN: Monica is going to head up this project.

MS. DRESLINSKI: Do you guys
have some suggestions for some dates? You
can email me, but --

MR. FERRELL: How about tonight,
right now?

MS. DRESLINSKI: Maybe another
day. Do you want to keep it on a Tuesday?

MS. KRIEGER: I requested
workdays off on Tuesdays.

MR. FERRELL: What are the
times?

MS. DRESLINSKI: Probably six.

MR. FERRELL: For how long?

MS. DRESLINSKI: Maybe an hour
or two. You guys email me, give me dates
that you're good with. I will do the rest.

CHAIRPERSON GRONACHAN: Can I
make a suggestion. Can you maybe email us
because the other members are gone, and that
way we can check our calendars.

MS. DRESLINSKI: Would you be
okay if I gave let's say three dates and you
picked from those?

CHAIRPERSON GRONACHAN: Yes.
Sounds like a plan.

Any other matters for discussion?

MR. BUTLER: Would you concur with maybe the same time frame maybe earlier in the evening?

MS. DRESLINSKI: Six usually works, people can get out of work.

MS. SAARELA: We usually have food here.

CHAIRPERSON GRONACHAN: Beth usually cooks for us.

I think six or 6:30 may be better, so everybody can get here in time. Everybody is traveling a distance. 6:30 might work better. Just a suggestion. You can confirm that. I don't know who else has travel time. 6:30 might work better especially with traffic.

MR. FERRELL: Or six.

MS. DRESLINSKI: I'll throw in a mix of times.

CHAIRPERSON GRONACHAN: You
can't be here at 6:30 is what you're saying, you want it at six or how -- I didn't understand what you were saying.

MR. FERRELL: I'd rather it be at six.

CHAIRPERSON GRONACHAN: Okay. We will just put it in the email.

MS. DRESLINSKI: I will email you some dates.

CHAIRPERSON GRONACHAN: All right. I will entertain a motion to adjourn the meeting.

MR. FERRELL: So moved.

CHAIRPERSON GRONACHAN: All those in favor?

THE BOARD: Aye.

CHAIRPERSON GRONACHAN: Meeting adjourned.

(The meeting was adjourned at 8:43 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 meeting was taken before me in the above entitled matter at the aforementioned time and place; that the meeting was stenographically recorded and afterward transcribed by computer under my personal supervision, and that the said meeting is a full, true and correct transcript.

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.

3-12-17

Jennifer L. Wall CSR-4183
Oakland County, Michigan
My Commission Expires 11/12/22