REGULAR MEETING - ZONING BOARD OF APPEALS
CITY OF NOVI
November 10, 2015

Proceedings taken in the matter of the ZONING BOARD OF APPEALS, at City of Novi, 45175 West Ten Mile Road, Novi, Michigan, on Tuesday, November 10, 2015

BOARD MEMBERS
Cindy Gronachan, Chairperson
David Byrwa
Jonathan Montville
Jason Richert
Rickie Ibe
Brent Ferrell

ALSO PRESENT: Thomas Walsh, Building Official
Beth Saarela, City Attorney
Charles Boulard, City Attorney
Coordinator: Stephanie Ramsay, Recording Secretary

REPORTED BY: Patricia J. Hankerd, CSR 5440
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CHAIRPERSON GRONACHAN: I'd like to call the November 2015 Zoning Board of Appeals meeting to order. Would you please rise for the pledge of allegiance.

(Pledge recited.)

Thank you. Ms. Ramsay, would you please call the roll?

MS. RAMSAY: Member Ferrell?

MR. FERRELL: Here.

MS. RAMSAY: Member Ibe?

MR. IBE: Present.

MS. RAMSAY: Member Krieger is absent, excused.

Member Sanghvi is absent, excused.

Member Byrwa?

MR. BYRWA: Yes, here.

MS. RAMSAY: Member Richert?

MR. RICHERT: Here.

MS. RAMSAY: Member Montville?

MR. MONTVILLE: Here.

MS. RAMSAY: And Chairperson Gronachan?
CHAIRPERSON GRONACHAN: Here. Thank you --

Welcome everyone to the meeting. I know we have some cases that are returning from last month. I would like it call everyone's attention to the rules of conduct which are in the back that you will find along with the agenda. I'm going to ask everyone at this time to please turn off your cell phones.

And if there's anyone in the audience that wishes to make comments on the cases that are before us tonight, please make sure that I see you. Sometimes it's difficult with the lighting in here. I'm really not trying to ignore you. So wave, dance, sing, whatever.

We have -- there are no changes in the agenda this evening. All those in favor of the agenda say aye.

COLLECTIVE BOARD: Aye.

CHAIRPERSON GRONACHAN: We have the approval of the September 15, 2015, minutes and the approval of the October 13 2015 minutes. Are there any changes or comment in regards to the minutes?

(No audible responses.)
CHAIRPERSON GRONACHAN: Seeing none, all those in favor of the minutes as printed say aye.

COLLECTIVE BOARD: Aye.

CHAIRPERSON GRONACHAN: The minutes for both September and October have been approved. At this point, if there's anyone in the audience that wishes to make a comment to the Board that is not related to any of the cases before us, you can come to the podium at this time.

(No audible responses.)

CHAIRPERSON GRONACHAN: Seeing none, we will move right into our first case. Case Number PZ15-0010, Pjeter Stanaj, vacant parcel south of Nine Mile Would you like to come down? This might be the petitioner coming in.

Are you with Mr. San -- are you Mr. Stanaj?

MR. STANAJ: Yes.

CHAIRPERSON GRONACHAN: Okay. You're the first case up. Would you like to come on down?

Board members, you'll recall that this case was tabled from last month. The petitioner
is requesting two variances for the construction of a new home.

Come on up. You were all sworn in last month. It still stands for this month, so you will still be under oath. We don't need to follow that procedure again. If you would just like to state your names for the record, and you can --

CHAIRPERSON GRONACHAN: Would you spell it for the secretary, please?

MR. STANAJ: P-j-e-t-e-r S-t-a-n-a-j.

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

MR. RAFTARY: Russell Raftary, R-a-f-t-a-r-y.

CHAIRPERSON GRONACHAN: Sir, you don't -- were you here last month?

MR. RAFTARY: I was not.

CHAIRPERSON GRONACHAN: And you're an attorney?

MR. RAFTARY: No.

CHAIRPERSON GRONACHAN: Okay.

MR. RAFTARY: I'm an appraiser.

CHAIRPERSON GRONACHAN: All right.
Would you please --

MR. STANAJ: Our attorney should be here any minute.

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

MR. FERRELL: Do you swear to tell the truth in the testimony you're about to give?

MR. RAFTARY: Okay.

MR. FERRELL: Can you state and spell your name for the court recorder.

MR. RAFTARY: It is Russell, R-u-s-s-e-l-l. Last name is Raftary, R-a-f-t-a-r-y.

CHAIRPERSON GRONACHAN: Thank you.

Okay. You may proceed.

MS. MICHALSKI-WALLACE: I don't know how far back you want me to go.

CHAIRPERSON GRONACHAN: I don't -- I don't feel like you have to do the whole thing all over again. The board is prepared. We have our minutes. And so you can bring us up to date on what additions based on our last meeting.

MS. MICHALSKI-WALLACE: Okay. Real quick, I did confirm that there are utility,
sanitary, and water located at the intersection just northeast of this property that would have to be brought in if they got the variances to be able to build a house on the property.

We are proposing a 43 foot right-of-way which I believe the City would require to be conforming with the plat on both sides of us. So we are already giving ten feet of additional right-of-way. I just wanted to point that out.

We have put together a plan with information provided by the City for the existing houses on both sides to give some dimensions. And these are per plan. They're not measured. So they may be plus or minus a little bit, but not very much.

Then, Pete?

Do you have any questions about the proposed house location?

CHAIRPERSON GRONACHAN: Not at this time. If you will present all of your information, and then we'll turn it back over to the board.

MS. MICHALSKI-WALLACE: Pete has prepared architectural plans as requested for the building along with sections. We have the
two-story home. First floor, 1200 square feet;  
and the second floor is 1075 square feet. I  
believe these are in your packet, I would assume.

CHAIRPERSON GRONACHAN: Correct.

MS. MICHALSKI-WALLACE: Okay. Do you  
want me to show them or --

THE FOREPERSON: Not unless you have 
something additional to offer at this time?

MS. MICHALSKI-WALLACE: Not  
specifically, no.

MR. GEORGE: Hi. Sorry, for my 
tardiness. Steve George. I'm the attorney that  
was here last time for -- with Mr. Stanaj.

It was our intention to have me come  
and go first and sort of present an overview.  
And, again, I apologize for my tardiness. I was  
coming from downtown.

But if I might, I'm assuming that what  
we've discussed so far is the survey portion of  
this, is that correct, and also the build-out?  

What I wanted to do is go over this  
whole thing on a global level and just, again,  
take a step back and see if we're -- from Step 1  
if we're addressing all of the concerns of the  
council based on our last meeting because that
was the first time I was here and ultimately move forward to make sure we have all the information that you need to make an informed decision.

And on that note, I'd like to step back and just let me gather this one piece of information here. I've got all this other stuff that Mr. Stanaj had up here.

As the zoning review, as we indicated last time we were here, there are four criteria that have to be met -- or at least discussed and addressed with regard to a potential approval of a variance. And last time we were here, we made the representation that the four criteria that are taken into consideration have indeed been met.

Those four criteria are as follows:

That a variance will be granted if the petitioner has established that the property is unique and that the physical condition of the property creates a need for a variance. We've addressed that issue last time we were here. And, again, I think it was addressed just before I got here with regard to the survey and the build-out.

We need a variance. We could not build a house of like kind taking into consideration
the surrounding neighbors, taking into consideration what Novi would like to see built there. We cannot do that without a variance. So because of the size of the property and the way it's laid out, there is a specific need for a variance.

Number 2, that the need for the variance is not self-created. This is not a property that was split by my client. It was not self-created. He didn't have a larger lot and split it in half. This is not something he's imposed on himself. And for that reason, I believe we meet Criteria Number 2.

Criteria Number 3 is a strict compliance with dimensional restrictions of the zoning ordinance would in some way unreasonably prevent petitioner purposed. If he did not get this variance -- if my client, Mr. Stanaj, did not get this variance, he would not be able to use this property at all. He would be prevented from any kind of the intended use of this property which is residential.

If he doesn't get a variance, he will not be able to build on the property. So with regard to the Criteria Number 3, we believe we
satisfy Criteria Number 3 because, in fact, it would prevent him from doing anything with the property.

The survey that's been presented to you essentially is -- puts forth the minimum -- the minimum variance necessary in order to build a house approximately 2,800 square feet which is consistent with the houses surrounding this particular property. So in a sense we cannot reduce the variance any more than it's already been presented to this zoning board.

The final criteria relates to, I think, the hot button with this issue; and the one issue that seemed to be addressed quite extensively the last time we were here; and that is, somehow would a variance cause some sort of adverse impact, possibly reducing the value of the adjacent properties.

We made the representation that we did not believe that if a variance was granted in a house of like workmanship, like kind aesthetically as the houses built surrounding this property, if a house of that nature was built on this property, we made the representation that that would not, in itself,
cause the surrounding properties to be decreased in value. There would be no depreciable, tangible value measure of value to the surrounding properties.

That obviously was something that was objected to, opposed by the people that stood before the zoning board and testified, the neighbors that were here, the neighbors that are here, I'm assuming, today that will do the same thing. And we didn't believe that any tangible proof had been put forth that there had been a decreased value or a potential for decreased value if it was built.

There were some comments that were put back onto us with regard to whether we had any ability to prove that by building the house it would not decrease the value and that was discussed. And at the time, we didn't because we felt that the burden possibly had been put on the surrounding property owners to show that it actually would decrease the value. We were essentially being asked to prove something would not take place.

Having said that, we took it upon ourselves to address that issue. And I will come
back to address that issue in a moment because I do have someone that will be testifying with regard to that issue. But for now if we can just put that off to the side. We're taking the position that there would be no decrease in value if this house is being built.

There were other comments, though, I would like to address last time we were here that I felt were either -- not intentionally but, nevertheless, misrepresentative of some of additional considerations that were being taken before the -- before the zoning board.

Number 1, where this house would sit if built and how close it would be to other houses, other property lines. The closest -- the closest this house will sit to any one property line surrounding or -- yeah, surrounding this house is 25 feet.

There were some representations made last time we were here that somehow by building this house, this house could be as close as 15 feet to somebody else's property line or maybe even 15 feet to the actual house that was adjacent to this -- to this property. That is just not true, and it's not true for a number of
reasons.

Number 1, this house will not sit closer than 25 feet from any property line within its own -- within its own property. What's more is each of the houses that surround this property have a setback of 40 feet. The closest -- the closest any one house will be to this house once it's built will be over 60 feet.

In fact, it's going to be over -- it will be 65 feet because the houses that surround this property also have a 40 foot setback required by the City. So they're not going to be any closer than 65 feet from one another. That's the distance, the closest point that they could possibly be.

Secondly, there was this consideration -- or at least this representation that somehow my client had been a developer and has developed properties in the surrounding -- in this subdivision because he owned property before this piece of property. That's not true. That was a misrepresentation. My client has never developed any property within this subdivision before. He's owned property, and he's sold those lots, but he never developed before.
And I think that that's intended to sort of mislead the zoning board as if my client is this big developer that's buying and flipping properties and building on them and flipping them. That's not the case. He -- he hasn't -- he hasn't said for sure if this is a property he's going to move in, and that's been made a big deal of.

And it's been brought to the attention of the zoning board as if that should be a deterring factor in allowing for the variance, that my client may or may not live there. That's not part of the consideration here. He may not live there after he builds it. He may. He wants to build a house because he wants to create a value. He owns the property.

What he paid for the house, whether he moves in or not, that's not part of the criteria -- from what I can see -- that's part of the ordinance that's going to be considered by this zoning board. It doesn't -- what my client paid for the property was also brought up as if to suggest that somehow there would be no loss to him if he's not permitted to build on it because once the variance is not granted, he would have
no -- it could not be used for its intended purpose as a residential lot.

Well, what he paid for it is not relevant either. I mean, I understand the position that opposing -- or adjacent property owners are taking with regard to that; but it's a relevant issue with regard to the zoning variance that's being requested here today.

I -- I think it's -- the real -- the real -- the only material issue that has been brought up in the time that I've been involved in this case and looking back at my notes from the last meeting is the fact that the surrounding property owners are suggesting that there's going to be a decrease or devaluing of their own property which, again, I'll address that here in a second.

One of the things that was brought up, Chairperson, yourself, you brought up the fact that you -- you made it very clear you wanted us to reach out to the neighbors because it was important to communicate. And on that note I would like to indicate that Mr. Ewing who is here today came over and talked to us after the meeting. Was very forthcoming. I've had
multiple conversations with him.

He's an -- he's an attorney. I think he's the property owner that is directly adjacent to the property that is being -- that we were requesting a variance. He may be the most impacted with regard to this issue because of where his property sits.

But we -- we spoke after the meeting a number of times. We exchanged numbers. I found him to be extremely open-minded about the possibility of coming before this zoning board and what my job was as a representative of the property owner that was looking for the variance. And he never once made himself out to be a spokesperson for the other -- other neighbors.

I mean, that's a very uncomfortable position for him to be in because he didn't have a consensus from everybody, although he may -- he indicated he had some conversation at some point, but there was never really a consensus. And he never -- he never tried to speak on behalf of anyone but himself.

But we did speak a number of times. I provided him with a copy of the floor plan that was prepared for -- for the zoning board prior to
the meeting, so he would have a copy of it. My understanding is -- and he can speak to this -- is that he distributed it to some members of the community within that -- within the subdivision, within the association. One of which I believe was a real estate agent. Another one was an architect.

So there was some due diligence done on their part; but no one else besides Mr. Ewing tried to contact me. I really had no other real way to get ahold of anybody else. But I did have multiple conversations. We did reach out.

And, again, I appreciate Mr. Ewing doing that because he was put in a very compromising position because again he made it clear -- and I can't speak for everybody, but I can tell you that from my conversations with Mr. Ewing both outside here and then after, during this period of time from the last meeting to this meeting and listening to the to -- the representations made by the surrounding property owners, I find this issue to be mutually -- our position and their positions to be mutually exclusive.

I don't -- it doesn't appear that
there's any plan that we could submit for their review, in my opinion, where they're going to say, yeah, okay, that's good but if you do this, this and this, we're on the same page. I don't believe we're going to be on the same page.

I believe that the zoning board is going to have to make a decision based on the facts before them. I believe they're going to have to look at the criteria that they have to make that decision. And I think that it's going to have to be made a decision where, again, it's a mutually exclusive, where it's going to be all or nothing for one party or the other.

I don't think they would -- I don't think any of the neighbors are going to be happy if a house is built there. They've made that clear at least the ones that spoke. I can't speak about all the neighbors. But the ones that at least stood up and came to the meeting each of the times that we've had these meetings. I mean, I think they're all going to -- I don't think any of them are going to stand up and say, you know what, let Mr. Stanaj have his variance.

Having said that, I still believe that this really comes down to the four criteria that
the zoning board has to consider. And if their property values are not going to be decreased in any way, if there's not going to be depreciation of what they own, then I believe that that being the only really material objection that I've heard up to this point that there really is no issue or reason why this variance shouldn't be granted.

A couple of other quick notes on some of the things that were discussed the last time we were here. There's a representation made that some of the property owners may have been told at some point, maybe before they bought the property, maybe while they were looking to build the property that somehow the lot that my client owned was a piece of property that could not be built on. They said that that's the belief they had or the understanding they had maybe when they bought the property, when they were building the property.

It's unclear as to when that representation may have been made or who made that representation. But I can assure you of one thing. Mr. Stanaj never made any representation with regard to whether his property is a property
that could be built on or not built on to any of
the property owners adjacent to his property. He
never made any representation with regard to
whether it was a property that was available for
build-out. He's never addressed that issue with
them so as for them to rely on to make any
decision to buy the property adjacent to
Mr. Stanaj's property.

If a third party has made any kind of
representation with regard to whether the
property Mr. Stanaj owns is buildable or not or
whether this property can be built on is an issue
that they must take up with the third party that
made that representation. My client is not
responsible for those representations nor should
he be in any way should those representations
cause any detrimental or harm to him or hardship
because that representation may have been made.
If there was a reliance on that, that needs to be
taken up with the party that made those
representations.

Now, going to the issue of the value,
again I think that this is the only real issue
that I think was brought up in any discussions we
had either last meeting and what I believe will
be the discussions that come up in this meeting. And with that in mind, I sought the assistance of an appraiser that I felt was qualified to address the issue of: (A), how is a property -- how is a residential property appraised; (B), if the residential property adjacent my client's property were appraised without a house being built there; (C), would that change if a house was built on that property.

So we have a vacant lot. Someone that would look at the value or take into consideration the criteria in evaluating the surrounding properties. And then if the house that's being proposed here today with the plans that have been submitted for review was built on that vacant property, would that in any way change the value of the adjacent property owners -- value of their homes or property.

I addressed that issue with a gentleman by the name of Russell Raftary.

Am I saying your name right?

MR. RAFTARY: Raftary.

MR. GEORGE: Raftary. Mr. Raftary has been a licensed appraiser for over 45 years. His CV is extensive and it's very impressive. I have
a copy for everyone here if you would like, or I could put it up on the overhead, but --

CHAIRPERSON GRONACHAN: On the --

MR. GEORGE: Would you like it on the overhead?

CHAIRPERSON GRONACHAN: Please. I'm not going to go into great detail about exactly what he --

MS. SAARELA: Can we make sure we get one for the file here?

MR. GEORGE: Yeah. And I do -- if I can, I'll just pass one to everybody cause I made -- well, I thought I had enough. I mean, there are seven copies here if I may approach.

CHAIRPERSON GRONACHAN: We don't have one for the file. That's the most important thing.

MR. GEORGE: So I talked to Mr. Raftary and I asked him -- I asked Mr. Raftary if he could give me his professional opinion and tell me if a house was built on the property owned by my client if that would in any way decrease the appraised value, based on the criteria that he uses to appraise property, would decrease the value of the adjacent homeowners.
Mr. Raftary went to the property and viewed the property himself. He actually stood on the vacant lot. He also pulled whatever information he needed with regard to surrounding property values, and he also obviously has his own -- he has a very standardized objective criteria that they use in order to determine property values.

And he's prepared to testify today and answer any questions you have with regard to, (A), the valuing of property; and (B), would the construction of this house in any way diminish the value of the surrounding properties which I believe is the most important part and he's ready to testify to --

CHAIRPERSON GRONACHAN: Why don't we do that now.

Mr. Raftary, would you like to step forward, please.

MR. RAFTARY: Yes.

CHAIRPERSON GRONACHAN: You can go ahead and give us your summation, please.

MR. RAFTARY: Well, I looked at the property. I have been in the field for 45 years. I've never seen a home built in a neighborhood
that's similar materials and stuff that would adversely affect property. If there was a 7-Eleven or a Chicken Coop built there, yes, it probably would adversely. But if it's a buildable lot and a home is built -- quality built home on it, it should not adversely affect the property in any way.

If I was to appraise one of those homes that's adjacent to it, it wouldn't matter if there is a house built back there. I see other homes in that neighborhood. I see sheds -- large sheds and stuff that's adjacent to the properties in that neighborhood, and it doesn't seem to affect the value of the homes that are built there right now. I don't know what criteria I can give you that it would. I mean, preparing appraisals on every single piece of property with hypotheticals.

CHAIRPERSON GRONACHAN: No --
MR. RAFTARY: I guess that --
CHAIRPERSON GRONACHAN: -- that's not necessary.
MR. RAFTARY: -- could be done.
CHAIRPERSON GRONACHAN: At this point, that wouldn't be necessary; but I thank you for
coming forward and clarifying that.

Is there anything specific more that you would like to add for the record?

MR. RAFTARY: Not that -- not that I can think of.

CHAIRPERSON GRONACHAN: Okay. Thank you.

Mr. George, do you have anything further to offer at this point?

CHAIRPERSON GRONACHAN: A summation, perhaps?

MR. GEORGE: Maybe just a summation.

Again, I believe that in looking at the four criteria, the specific objective of this -- of this zoning board and what needs to be considered, I do believe my client satisfies the necessary test -- the four-pronged test that is put forth in the ordinance in order to get a variance granted in this case. I do believe that if there is any issue with regard to the test -- the four test -- the four-prong test that is set fourth, it would be with regard to this issue of a depreciable value.

At this point -- again, I don't know if you have anything specific, again, you would like
to address. It doesn't appear that you have any specific questions; but it is the opinion of experienced appraiser, which is the only real way I know to get that issue before the zoning board is to bring someone that appraises houses and has for 45 years is to give his professional opinion, that it would not decrease the value.

And I -- and I because I know that one of the property owners in the subdivision or association is a real estate agent, I anticipate that someone else will stand up and say that it will. Again, I don't know what they would be basing it on. That's why I feel the most qualified person to address this issue would be an appraiser and that's why I brought him.

The only thing I would ask is that I be given at least some opportunity maybe to rebut some of the things that may be brought up that I haven't addressed in my opening or in my comments which I -- I tried to address the issues that I believe were brought forth based on the last time I was here and some anticipated issues that I tried to address; but if there's any issues that come up, I would just ask that I be allowed to respond to some of the things that are brought up
because I see there are a number of people that
would like to speak on this issue.

CHAIRPERSON GRONACHAN: All right.

Thank you.

Having that -- now, we have a number of
correspondence here to be read into the public
record. Normally, I would call on to the
audience to for their comments. What I'd like to
do is have these letters read first; and if
there's anything additional to be added to the
letters, then I would call the residents to add
anything additional.

Are you in agreement with that? I see
a lot of shaking heads.

City attorney, I can go ahead with
that?

MS. SAARELA: As long as you're not
foreclosing anybody from speaking.

CHAIRPERSON GRONACHAN: No. No.

So at this point, Mr. Secretary, how
many letters do we have?

MR. FERRELL: Well, Madame Chair, we
have nine letters sent, one letter returned, zero
approval letters received, five objection letters
received, and one of these letters was read into
the record on 9/15/15.

Letter Number 1 dated November 10th, 2015, City of Novi Zoning Board of Appeals, 45175 West Ten Mile Road, Novi, Michigan 48375.

Dear Zoning Board of Appeals, as a neighbor to the property in question, regarding Stanaj, Case Number PZPZ15-0010. I would like to petition the board not to grant a variance. I currently reside at 22335 Waterland Drive, the parcel to the south and west of the parcel seeking a variance.

My position may appear to be bias, but my objections are based on the intent of the ordinance and based on objection criteria stated for elements of unnecessary hardship and practical difficulty. Please see below for reasons not granting the variance.

The first one, the spirit of the ordinance is not observed for RA zoning. The RA residential acreage district is intentionally the most spacial residential zoning district described as intended to provide areas within the community for a particular living environment characterized by a large lot, low density single family dwellings.
The dwelling unit density of RA is intended to be a 0.8 units per acre or there should be 1.25 acres per each dwelling unit within a given RA district. The parcel is contributing less than one-third of an acre for the dwelling unit and creating an undesired and uncomfortable density at the end of the Waterland Drive cul-de-sac and an uncomfortable proximity to Nine Mile Road.

The proposed proximity to the existing sidewalk and egressus interruption of the landscape easement further exacerbates the change in character. It creates a clear and unwelcome change to the consistency of the landscape easement that runs 900 feet along Nine Mile Road nearly 1200 feet along Napier Road. It terminates at wetlands.

The variance will not provide substantial justice to the surrounding property owners. Every property owner within the area is in comfortable compliance with the ordinance requirements. This is a single outlier property owner that is seeking a benefit of not including their property at the creation of the subdivision. It is now seeking an exemption for
their own self-created problem at the expense of those who purchased the lots within the guidelines for the RA district.

Another point, further to the point of justice, there will be two mature trees, maple and birch respectively, that have resided at adjoining properties of neighbors and would be in danger of being killed by construction of the residence with the drippings of these trees due to lack of room for construction staging and the enormous compromising 50 foot rear yard setback, is almost certain that these two trees would be casualties to construction disturbances and foundation impact to the root structure. See attached imagery.

The next point, property values will most assuredly be diminished with the surrounding area for the reasons listed, particularly for the residents with closer proximity to the end of the cul-de-sac. Thank you in advance for your consideration for the residents who stand in objection. Sincerely, Michael Guthrie,

M-i-c-h-a-e-l Guthrie.

Letter Number 2: Novi City ZBA with regard to PZ15-0010. My name is Michael Milligan
and I live at 22330 Waterland Drive with my wife and two children. I attended the previous two meetings regarding this case, but I'm unable to attend tonight's meeting due to out-of-state work obligations. Please give my written objections the same weight as if I were testifying live.

We have lived at our residence for nearly ten years and consider it home countless ways. It is located in the cul-de-sac where the subject property is likewise located. Every home in Park Place subdivision site on the last one acre of land and particularly fronts on the street. It is based between structures of like kind and quality together with lot size was a paramount factor in our decision to live in the Park Place.

I've looked at the plans offered by Mr. Stanaj and object to his request variances for the following reasons: Number 1, Mr. Stanaj has made it clear that he does not intend to live on the property, but simply wishes for variances thereby making it sellable. Number 2, the back of the proposed house fronts on the street unlike all other homes. It is simply out of place.

Number 3, it contains an above grade
deck that will protrude to close to the street and is simply out of place. Number 4, the house is much smaller than existing homes and will certainly have an adverse affect on the surrounding properties' values.

As an applicant for the variances, it is encumbant upon Mr. Stanaj to convince the board that this proposed structure will not upset the continuing and the flow of the existing structures. He has failed to be so convincing.

Number 5, attached to this letter is the Novi variance standards form which Mr. Stanaj has never completed.

He has failed to answer in satisfactory manner most of the questions, but especially the Question Number 5 asking about the adverse impact on the surrounding area. It is blank. Interestingly he likewise failed to answer Member Ibe's question at September 15th's hearing how he would feel if he was in the position of the neighbors in the face of such an outlandish variance request.

This request has caused me and my neighbors undue anguish, and we are requesting the variance be denied for the reasons stated.
above as well as those others at the various
meetings. Mike Milligan, M-i-k-e
M-i-l-l-i-g-a-n.

Number 3: ZBA, November 9th. I wrote
to object to the property Mr. Stanaj wants to
build on located Waterland Drive. My name is
David Moore, and my address is 51092 Sunday
Drive. I was one of the first houses constructed
in the subdivision when all the homes had one
acre lot size. The house being proposed backs up
to the road and will not fit in well and will
upset the property values. Please do not give
the variance. David Moore, D-a-v-i-d M-o-o-r-e.

Number 4, November 5th, 2015.
Reference Stanaj. Jeffrey and Debra Bry, B-r-y,
22232 Hillside Court, Northville, Michigan 48167,
Park Place Estates. To whom it may concern, I'm
writing to the object to the building of Stanaj
home on a slice of land bordering our
neighborhood.

I understand the property is not
technically part of our subdivision, but it still
must meet continuity of the existing homes. It
clearly states in our neighbor rules that the
home must be a certain size and built on one
This is clearly not the case with this home. I feel that this will hurt the value of the homes for all of us that follow the bylaws. Thank you for your consideration.

Sincerely, Jeff Bry, B-r-y.

And letter Number 5 was read on the 9/15/15 meeting. I don't think I need to reread that.

MS. SAARELA: No.

CHAIRPERSON GRONACHAN: Thank you.

Now, is there anyone in the audience that wishes to address the board with anything additional?

As you come up to the podium, please state your name, spell it for our secretary, and then proceed with your comment.

MS. REED: Natalie, N-a-t-a-l-i-e, Reed R-e-e-d.

So I come to you today, I believe I wrote that fifth letter, Natalie Reed. I'm a real estate broker. I personally represented buyers and sellers in over 350 properties. In addition to that, I'm the principal real estate broker of the Keller Williams Franchise, and I oversee on average 250 sales per month in our
office. So I have very extensive experience when it comes to working with buyers and sellers and the perceived value of properties.

I can tell you from the aspect of selling a property and making it marketable, one of the most important things you can do is eliminate any negatives. So having anything that is not consistent with the rest of the development is crucial. And I believe there's an opportunity here to keep the neighbors whole and not disturb the value of the properties on Waterland Drive.

It's very clear when you drive down the street that the properties are all consistent with the homes front facing to the road. It would be almost obnoxious to see the rear part of a home, almost consistent with the front of the two properties that are adjacent to that vacant land.

I have also spoke with an appraiser. So it could be said that the true value of a property is based on the opinion of a buyer and a seller and what price they're willing to agree on. This appraiser is willing for -- willing to answer any questions. Unfortunately they
couldn't make it here today for obligations
out-of-state as well.

But there was no question in this
appraiser's mind who has been appraising over 30
years and is also a real estate salesperson that
this property would negatively impact the appeal
and marketability of the adjacent homes in this
development. The fact that they're asking for a
variance at all kind of answers the question.

All of the neighbors absolutely, the
Number 1 consideration in moving out to this
property and all the lots in our sub is that they
are a minimum one acre lot size. It is huge. I
can tell you from a real estate perspective the
fact that there is a minimum one acre lot size is
a major advantage.

In fact, if you go on the multi list
and you search for acreage, it's extremely rare
for a seller to even list the size of their
parcel of property unless it's a minimum one
acre. And there is no other development like
ours in the area. So it is absolutely sought
after that people would have the enjoyment of
their space and not have another structure so
close in proximity.
So I plead with the council to not allow this variance. I'm actually a neighbor on the street as well, and I would out the front of my window have to look at the backyard of a deck. It's not appealing whatsoever. And if I were a potential buyer for my house, I would not buy it because I would be worried about having to resale that property in the future. I would put my money somewhere else.

CHAIRPERSON GRONACHAN: Thank you.

MS. REED: Thank you.

CHAIRPERSON GRONACHAN: Come on down. Go ahead.

MS. SAARELA: If that letter is going to be in the record, we need to have a copy for the file.

CHAIRPERSON GRONACHAN: You can give it to me. Thank you.

MR. TOLLEY: Good evening. My name is Brad Tolley, B-r-a-d T-o-l-l-e-y. I live at 22250 Waterland Drive. I really would like to be here to formally request that this action be rejected as well. Living on the street -- I don't have a lot to add other than the confirming the fact that this is absolutely why we bought
this property and not another property --

I have lived here it will be 11 years in April. So this was -- this was a big deal for us. It will be kind of keystoned right between two houses just from an apparent standpoint, let alone having the back facing to the rest of the subdivision.

I -- was a little confused looking through the plans. I wasn't able to make it to the last meeting in September. I read through the records. I saw the denotion to 2700 square feet. I was a little confused today on how that might be about 2250; and, then all of a sudden, it jumped back up to 2700. I'm guessing we might hear about some special bonus room on the third floor that might continue to go like that.

I don't -- there is no comparable to the subdivision right now. I just want to go on record starting that is my view as well. Thank you.

CHAIRPERSON GRONACHAN: Thank you.

Who's next? Come on down.

MR. LACK: My name is Joseph Lack, J-o-s-e-p-h L-a-c-k. I live at 51005 Sunday Drive. We were the first home in Sunday Drive.
We built our house 13 years ago for the sole factor of the uniqueness of the size of the lots. I can say -- I can attest to the value that we take personally in the size of the lot that we have and the surrounding homes as well.

I did not see in the plans -- I think the person we're talking about here had an opportunity to show us some detailed plans and some time to put those in front of you. And I only see floor plans. I don't see anything for elevations or anything like that that would prove that they would build a house that is in conjunction with the rest of the surrounding properties.

I can say if it was my house or if you put your shoes -- yourself in Mr. Ewing's shoes and somebody wanted to build a house that's going to be within 20, 25 feet of your house, or whatever it might be, compared to what you're used to living at in that neighborhood and having the space, that attractiveness there, you would probably not want this to move forward.

So I ask that you reject this request and I appreciate your time.

CHAIRPERSON GRONACHAN: Thank you.
MR. EWING: Mike Ewing, E-w-i-n-g.

22350 Waterland. I have the property, of course, adjacent to the subject property. I was here in May and argued. Came back in September and argued. Now I'm here a third time and arguing.

The objections really are this, Folks. We bought the property out there because it was residential acreage, and the benefit of that is spacing so that we don't have people 25 feet next to us or 60 feet or whatever it is. That's the intent of the ordinance. That's what the City of Novi passed, and that's why we bought it there. Okay?

So to come in here and tell you folks that put up a 2200 square foot doesn't offend the property values there in the face of 4,000 square foot homes is hillarious. It's hillarious. We bought there for spacing and for property.

That's the corner of my house. And that's the lot that they want to build on. Is that privacy, Folks Does that look like privacy to you? I hope not.

And I share in what Mr. Milligan wrote because at the last hearing, Member Ibe asked Mr. Stanaj a number of times if you were the
neighbors how would you feel about this, sir. How would you feel about this? How would you feel about someone coming in and building a 2200 square foot in the face of these larger homes with a variance of 26 feet on each side? How would you feel about that?

And, you know what, you're all scratching your heads because he never answered the question. This is the third time we've been here. This is totally offensive with the request he's making.

Yes, I talked to Mr. George. He approached me, and I talked to him. And, yes, I was open-minded; and it's a compliment; and I thank you. But that in no way means I'm agreeing to what he wants to do. I absolutely object to it for the reasons I stated the last three times, for the reasons in the letters, and for the reasons that my neighbors said as well.

I want to know if 25 feet is space. That's what I want to know. That's the answer I want.

CHAIRPERSON GRONACHAN: Is there anyone else?

There's a gentleman from back. Come on
MR. LONG: My name a Derrick Long. I live at 22315 Waterland Drive. I wasn't here at the last meeting. I just wanted to say that I don't feel that he should get a variance because there's too much negative impact on all our properties. That's basically it.

CHAIRPERSON GRONACHAN: Thank you.

MR. LONG: Thanks.

CHAIRPERSON GRONACHAN: Come on down.

MR. DWYER: My name is Joe Dwyer, D-w-y-e-r. I live at 51072 Sunday Drive. And Mr. Ewing showed me a copy of the plans that he picked up from Mr. Stanaj. One of the things that I would point out to you is one of the comments that we keep hearing is of like kind and quality.

And the houses that are in our subdivision are a minimum of 2700 square feet as a ranch. And I think it's 3,000, or 3200 as a colonial. And if you look at the outside plan that he's shown there, we're required to have brick all the way up the first story, all the way around; and I think if you look at the facade of his, it looks like it's probably vinyl sided.
When you look at the back -- you know, I know he's drawn the deck off the back. He's drawn the deck off of a window. There's no wall there showing anything. So it partly feels like the plans that he's put together here for the house were thrown together to get the variance that he's requiring without even necessarily looking at what he's proposing to build.

And like Mr. Ewing, I can't imagine having a house 25 feet -- the back of a house 25 feet off of the property line where I came in and bought a premium piece of property that's a minimum of one acre. And to me the house is not of like kind and quality.

And, again, Mr. Ibe, I would agree with everybody here that the question has never been answered; how would you feel if you were in our shoes. And I think if he answers that honestly if he were living in the house that Mr. Ewing is living in and somebody came to propose that, he couldn't in good conscious say that's great. Go ahead with it. So I would ask that you reject the request for variance on all those conditions. Thanks.

CHAIRPERSON GRONACHAN: Thank you.
Is there anyone else that wishes to make comment?

Seeing none, I'm going to turn this over to the building department. Good evening.

MR. BOULARD: I have nothing to add.

CHAIRPERSON GRONACHAN: Okay. Thank you.

Board members?

MR. MONTVILLE: Madame Chairman, I have an initial question for the architect. Could you maybe go through the process or the thought process when you put together these plans on the consideration of keeping things consistent, whether from size or aesthetic perspective from the surrounding properties, not necessarily the home association because it's different lots, but from a sense of consistency?

CHAIRPERSON GRONACHAN: I'm sorry, did you hear the question from Member Montville?

MS. MICHALSKI-WALLACE: We did. The architect is not here.

CHAIRPERSON GRONACHAN: Okay. Is there someone that's with you that is prepared to answer this question?

MR. STANAJ: We got the -- really we
got the -- the drawing there. So it shows a
drawing there. The house will be brick house.
It will be quality workmanship. So I don't know
what else to tell you. The size of the house is
almost 2,800 square feet house which in the
neighborhood I know some house houses are under
2,000 square feet.

CHAIRPERSON GRONACHAN: Excuse me.
Earlier in your earlier testimony, they said it
was 2,075; that the first floor was 1,200 and
that the second floor was a 1075. So what is the
actual?

MR. STANAJ: It's a bonus room there on
the second floor, also.

CHAIRPERSON GRONACHAN: So there's a
bonus room?

MR. STANAJ: Yes.

CHAIRPERSON GRONACHAN: And how much
square footage is that?

MR. STANAJ: I think 20 -- no, 40 -- I
think 450 square feet. Something like that. I'm
not sure exact number. About 450 square feet.

CHAIRPERSON GRONACHAN: Okay. So for
the record, I would like the record to indicate
that the square footage that was quoted by
you -- I apologize, I don't have her name.

Ma'am, would you come -- can you come
to the podium, please?

MS. MICHALSKI-WALLACE: Yes.

CHAIRPERSON GRONACHAN: What is your
name again? I'm sorry.

MS. MICHALSKI-WALLACE: Ginger.

CHAIRPERSON GRONACHAN: Ginger. So you
testified that the square footage is 2,275. So
can we get it on the record what the actual
square footage of the house is? I think part of
the frustration there is -- and the reason why
this case has been tabled so much is we can't get
any answers from the petitioner Now, I have nine
irate clients. I have a board that would like to
help the petitioner and we can't do our job
because we can't get the information. So is
there someone in your group this evening that's
is going to give accurate information for the
final time? Is it 2,270 -- or 75 or is it 2800?
Which is it?

MR. STANAJ: It's 2755 -- 2755.

CHAIRPERSON GRONACHAN: Okay. Thank
you.

Now, can you address the concerns of
Member Montville on the like kind and quality that the residents in the abutting neighborhood have asked several times? How do you feel that this house is similar to their homes, and how are you going to make it that way?

MR. STANAJ: When I see -- you know, when the architect made the drawings, the house looked beautiful. So I wouldn't mind -- I would rather have somebody behind my house instead of a main road in my backyard.

CHAIRPERSON GRONACHAN: Okay.

Member Montville, do you have any other questions?

MR. MONTVILLE: Not at this time. Thank you.

CHAIRPERSON GRONACHAN: Board members, do you have any other questions for the petitioner?

MR. GEORGE: And with regard to follow-up on his question --

CHAIRPERSON GRONACHAN: All right. Go ahead.

MR. GEORGE: I believe that you would like a little more information with regard to that. If the variance -- if the variance is
going to be conditioned on specific requirements that you feel have not been met with regard to the designs that have been provided, if you feel that there is some -- some talk of -- this is an all brick house. If you want to condition it and say it must be an all brick house, if you're talking about specific requirements that you feel has not been addressed in these plans, it can be conditioned on that.

My client wants and is desirous of having a house that is of like kind. He's not trying to make a house -- or build a house that is going to be subpar materials, workmanship, or quality.

So if there's -- if you feel it's necessary, if you feel there's some deficiency with regard to that issue, we're not opposed to having specific conditions be met in order for the variance to be granted. If you feel that there is a deficiency on these designs or any of the materials or quality that you're looking for.

CHAIRPERSON GRONACHAN: Mr. George, with all due respect, I just want the right answers.

MR. GEORGE: I agree.
CHAIRPERSON GRONACHAN: I do not want 15 different versions of what's going on here. We have been a very patient board. I have asked -- and actually when you came in this evening, I looked at the plans. I was grateful that this petitioner addressed the concerns.

But what I do not want is I do not want inconsistent answers.

MR. GEORGE: Okay. I --

CHAIRPERSON GRONACHAN: And I'm going to ask you and your petitioner and your client to make sure that when this board addresses questions to both of you, that we get solid answers. That's what I would like. Okay?

MR. GEORGE: Well, I can assure you this: You ask me a question, I'm going to answer that question to the best of my ability. I don't believe I've answered any questions that have been evasive or incomplete. If I have, please follow-up. I will --

CHAIRPERSON GRONACHAN: I will agree on that, but I'm a little upset with your client right now --

MR. GEORGE: And I --

CHAIRPERSON GRONACHAN: -- by giving
different figures.

MR. GEORGE: And I understand that. And I think that the -- and I'll speak specifically to the figure issue. I think that in this case the bonus room was something that was not addressed, and maybe it wasn't clear with Ginger what she -- she prepared the survey. So she came up.

And, again, I apologize because the beginning of this meeting did not go the way it was supposed to because I was tardy. That's my fault. And so it sort of went the cart before the horse a little bit. But Ginger did the survey. Mr. Stanaj with his architect prepared these documents, prepared the designs with the intention that we meet some of the concerns that you've addressed in the past. Again --

THE FOREPERSON: Let's go back to the board at this point.

Are there any questions from the board members?

Member Ferrell?

MR. FERRELL: Madame Chair, I have a question for the residents. I don't really want you all to come up and speak. You don't have to,
but if there's one that wants to. What is it that would make you happy to accept him building this house?

What is it that's really -- I mean, obviously I understand your situation with your property right there. It's super close. But what would rectify that? What would make it better for you to accept him to build on that piece of property?

I guess I just -- I kind of want to get that feeling of what it is that you guys really -- what are you looking for? To not build at all and just walk away from it, lose the property; or is there something that you could come up with. Some kind of idea that maybe he could work with you guys on?

I mean, I don't know. I'm just kind of throwing that out there. If there is somebody that wants to come up and answer that, I'd be more happy to hear what they have to say.

MR. EWING: You know, I had that discussion with Mr. George. And I want a house that's like kind and quality that has the spacing that the other homes do. We want the benefit of our bargain. We want the benefit of our bargain
when we bought the property and we all had an acre.

And I don't want someone outside -- I don't care if it's a 9,000 square foot home. I don't want some house that close to my master bedroom and neither would you and neither would anyone in this room. That's what I want. It's his obligation to meet the standards put forth in the Novi ordinance.

MR. FERRELL: Okay. I'm not looking for like a speech on that. What is it that you would want specifically?

MR. EWING: I have said.

MR. FERRELL: Just not close to your property?

MR. EWING: I want a home that is in like kind and quality.

MR. FERRELL: Okay. He did -- he did say it is like kind and like quality.

MR. EWING: That picture he put up for you folks is nothing that's is in the file.

MR. FERRELL: Okay.

MR. EWING: The print that we looked at that he submitted is vinyl. It's is nothing that was put in the file that was put up for you
folks. I've never seen that. I've looked at the file today. Okay? But the spacing, too, is very important to us.

And the home -- don't lose site of this, folks, the home faces -- all the homes there face the road. This home backs up to the road and -- and looks as you're driving down Waterland Drive, you see the back of the home; and all the other homes are facing the road. It's totally out of place. It's a piece of a puzzle that's missing.

MR. FERRELL: Okay. Thank you.

Would anybody else like to come up and share whatever they feel.

MS. REED: There is no question that a rear facing house on the street would look completely out of place. It is something we could never change. You couldn't even hide it with bushes or trees. It would be that obnoxious sitting in the front yards of the two adjacent properties.

I mean, a deck would be obtrusive. I'm just imagining a swing set sitting in the front yards of our houses. It's -- it's not consistent whatsoever. Unfortunately, for the owner of that
property, there is no use for that property where it's located within our development.

And I have one more other critical piece of information that I need to mention. I was actually the buyers agent for Mike and Tracy Ewing when they purchased that property. I am 100 percent confident that they did their due diligence to research that piece of property.

As a real estate professional, I never go to the city on behalf of a client because if they don't get a correct answer that they want, I want them to hear it for themselves. They absolutely researched the use of that property prior to purchasing it, and they were told by the City that absolutely that was a nonbuildable lot. I am quite certain. And that needs to be noted.

MR. FERRELL: Thank you.

CHAIRPERSON GRONACHAN: Hang on one second. I would like to -- at this point, can I have the city attorney address the nonbuildable lot statement.

MS. SAARELA: Okay. At this point, we have looked into with the City assessor's office. The lot was created sometime it appears in the 1970s. It was a buildable lot at that time.
It's been assessed as a buildable lot since then. So the presumption was the lot was split from whatever parcel it was adjacent to, and the assessor couldn't tell that at that time it was an appropriate size lot when the zoning residence laws was created.

Later on it's likely that is when the zoning changed after that to make that minimum lots larger. So at the time it was created, it was a buildable lot. Based on the way it's been taxed since it was created, it's been taxed as a buildable lot.

CHAIRPERSON GRONACHAN: Thank you.

Okay. Go ahead.

MR. IBE: Excuse me, before you continue, I would like to follow-up to that.

How will the owners of that property know that that lot is no longer buildable? Did someone notify them, or how will they know that?

MS. SAARELA: It's not that it's no longer buildable. It was buildable. So it's an existing nonconforming lot.

MR. IBE: Yeah, but when it was split -- when the lot was split at some point the lot was split is that what I just heard you say?
MS. SAARELA: It was split, yes. But whether -- at some time the law was created. Whether it was split or not, that's not clear -- or where which property that came with it, the assessor couldn't tell that from the records. I'm not sure I understand what's your question.

MR. IBE: Yeah, because the minimum standard that we're talking about here is that the one acre lot. Is that what --

MS. SAARELA: Yes.

MR. IBE: -- we're talking about? At the time when this -- in the 1970s when this lot initially was buildable when it was assessed as buildable, there was no minimum one acre lot required at that time; is that correct?

MS. SAARELA: That's the assumption because it was taxed a buildable lot since after it was created, yes.

MR. IBE: But after the one minimum acre lot requirement was imposed, with the split, does that still make this property buildable? Is that the standard of the one minimum acre?

MS. SAARELA: It's still considered a buildable lot. But, correct, there's a zoning
ordinance provision that addresses existing buildable lots.

MR. IBE: Okay.

MS. SAARELA: A lot that is existing is presumably buildable subject to getting a variance if necessary to fit within the lot zoning requirements.

MR. IBE: That lots sits alone by itself, not -- not a part of the subdivision as we understand; is that correct?

MS. SAARELA: That is not part of the subdivision; that is correct?


MR. EWING: My only point was that I want to address is this is the third time we've been here. But it was very clear that Mr. Stanaj to answer these very specific questions was to appear with an architect tonight. That was the direction from the board, and that's what the minutes say. There's no architect here.

CHAIRPERSON GRONACHAN: Okay. Thank you.

I've been advised by our stenographer that she needs to take a five-minute break. Due
to technical issues here. So it is 8:03. We will come back at 8:08. Everybody stretch their legs and we will be back in five minutes. I'm sorry for the delay, but we had to call it.

(Recess taken.)

CHAIRPERSON GRONACHAN: I'd like to call the meeting back to order, please. And where we were we just had one of the neighbors make the last comment, so I'm going to turn it back over to the board.

Board members, do you have any further questions for the petitioner or the attorneys?

MR. MONTVILLE: I have a quick question for the City attorney. When the applicant purchased the property, can you confirm at that time it was a buildable property?

MS. SAARELA: At the time he purchased it -- we can't tell exactly. There's no easy way for us to look up or compare when that zoning went into effect in comparison to the time that he purchased that. So, no, I can't say whether it was before or after the zoning ordinance changed.

It was probably -- it was around the time that that subdivision was created. So that
was -- it probably had already changed at that time. So -- so the likelihood is that that zoning was already created at the time that it changed hands, but can I guarantee it 100 percent? No. We could not find any information.

MR. GEORGE: I think I can try to help with that information.

CHAIRPERSON GRONACHAN: Hang on --

MR. GEORGE: Oh, I'm sorry.

CHAIRPERSON GRONACHAN: -- if you don't mind.

Does anybody else have any other questions?

MR. IBE: I do.

CHAIRPERSON GRONACHAN: Okay.

Member Ibe.

MR. IBE: Thanks, Madame Chair. I think that both sides for and against have presented their arguments eloquently this evening, and I think the petitioner has laid grounds for why they think that the petition should -- the petition should be granted.

I think that counsel for the applicant, Mr. George, has done a fantastic job with the
initial prongs that are required to -- to grant;
and that being that whether or not the property
is unique. Well, we can't argue that. Is it
self-created? Well, we talked about a split
issue which, of course, tells us a little bit
about what is going on in here, but it doesn't
quite provide a picture in light of what the City
has responded to and then whether or not the
street compliance is required.

Having said that, the only aspect of
the criteria, of the elements that the
petitioner -- I don't believe and I'm still
grappling with is the last prong; that being,
whether or not the -- whether or not the variance
will cause an impact on surrounding property. I
think that's going to be the sole issue right now
available, and I think everyone can agree that.
We should -- we should just stop splitting hairs
about whether is buildable, whether is not. That
seem to be the main issue here.

The petitioner has said, well, this is
the house I want to build. This is what it looks
like, and we all have seen what he want to build.
And the property owners at Park Place have also
told us about the unique and big reason why they
all bought lots here and that being the one-acre lots. And that there's a benefit. And the intended benefit is privacy and spacing. That's the reason why they bought lots there.

Personally, I live in a home that's -- a subdivision where the homes are about 4,000 plus square foot. I would suddenly find it very funny if I see something that is less than close to what I have in front of my home or next to my house. I think that would be an insult considering that I paid premium values so I can have, no offense to the small house, put next to my home. I certainly understand the anger that the property owners are talking about here.

Now, if the petitioner can truly convince me and tell me exactly how the size of the lot is not relevant, then you can help me to understand this case a little bit better because I'm still not clearly grasping this whole thing. The size of the lot is an issue for the objectors in this room tonight, one acre lot.

If your lot is less than that, they don't care about (inaudible) the size of the home you put up there. But how is that going to really conform with what they have. We've heard
from experts on both sides, they real estate person that sold the home to the neighbor and your expert. Both have impressive resumes.

And, of course, I know in this day and age, cause I an attorney, you can get all the experts you want if you pay the fees. But I don't want someone to tell me like a four-year old because I don't think I'm a four-year old. I'm a very smart, intelligent attorney for that matter who understands that a one acre lot means something.

So if the petitioner wishes to address that issue, I will appreciate it. Tell me how size of the lot is not an issue in this case because it's something that I -- I'm still trying to wrestle with because that seems to be what the concern is. An adverse impact is very important regardless of the fact that you've met all the all the other elements, but you have not satisfied this element for me.

MR. GEORGE: I'm going have Mr. Raftary address that.

MR. IBE: Very well, and thank you, sir.

MR. RAFTARY: I'm trying to address
it. Now, the petitioner's lot is not going to affect the lot sizes of anybody else's. They're still going to have their one-acre lots. It's not going to affect the value of their properties as I appraise properties. And I appraise properties up to 20,000 square feet, you know. There's not a lot of properties that size.

The neighbor's properties does not affect the value of that 20,000 square foot home, even though they're smaller and you could see them from their houses. But they're not diminishing the size of the house or the size of the lot of any of the neighborhoods. They still have one-acre lots. They still have their large homes. How does that house diminish the value that is not taking away anything from it?

Now, they might not like a smaller house in the neighborhood; but if it's a buildable lot and you can build a house on it -- I -- I have never seen it in 45 years -- and I have been a real estate broker since 1975, I believe, I've had a broker's license. And I am very active.

I -- I am, you know, very active in the appraisal of real estate and determining
valuation arguments for the City of Detroit and the turnaround team and part of the -- one of the facilitators in appraising the City of Detroit and many other mass appraisal jobs. And I do a lot of appraisal work in Novi.

But as I look at a piece of property, you know, I look at the surrounding area. Like I said, if there's a Chicken Coop there or a 7-Eleven in the back yard, yes that would affect the value. But you see the back of some other homes in this neighborhood. If you drive down the street you can see the backs of some other homes over there. It doesn't affect the value.

I would like to know any theory or anything that says that a smaller home will affect the value of that larger home there or that lot. It's not diminishing the size of that home or the size of that lot. I don't know any other way of addressing it.

CHAIRPERSON GRONACHAN: Okay. Thank you.

MR. IBE: Sir, I have a follow-up question.

Is it your opinion as an expert that the proposed property at the rear facing the
road, that that would not affect the value of the properties in the area? Is that your conclusion?

MR. RAFTARY: Well, the subject property is going to face Nine Mile, right? Okay? Right?

CHAIRPERSON GRONACHAN: Correct.

MR. IBE: That's correct. But the rear of subject property -- is that correct, is that what we're talking about?

MR. RAFTARY: Well, the rear is going to -- all of the rears of those properties face the street, don't they? Right now the -- the properties in that subdivision, the backyards face Nine Mile or Napier Road, you know. So it's not okay that the petitioner's property, the backyard looks into another backyard or looks through two houses to see a road? Is that what you're asking?

I mean, the front of the house isn't going to face Water -- the street. The front of the house is going to face Nine Mile. The back of the house has to face something.

MR. IBE: The neighbor's -- the neighbor's house that -- the one that's more affect -- the one that would be more effected,
Mr. Ewing, where -- where -- what side of the street does the front of the house face? Is it Nine Mile or Watermain, whatever, Street?

MR. RAFTARY: Which house?

CHAIRPERSON GRONACHAN: His faces Nine --

MR. IBE: Mr. Ewing's.

MR. RAFTARY: Mr. Ewing's house?

MR. IBE: Yeah, the front of his house. Does it face the same way as your client's house, the front of his house?

MR. RAFTARY: No. It faces Nine Mile. The front of --

MR. GEORGE: No. he's talking about these two houses face each other. Mr. Ewing's faces the cul-de-sac.

MR. RAFTARY: Oh, yeah. It faces the cul-de-sac. The back of his house faces Nine Mile.

MR. IBE: And the back of your client's house faces?

MR. RAFTARY: Will face the back of Mr. Ewing's house. And you can see it from the street, I'm sure. I mean, you can see the backs of houses from -- from most streets besides the
front if you look through the backyards.

MR. GEORGE: Excuse me. This is Mr. Ewing's house.

MR. IBE: I have not got questions for you. Thank you so much.

MR. RAFTARY: Okay.

CHAIRPERSON GRONACHAN: Member Byrwa.

MR. BYRWA: Yeah. I have a quick question for the petitioner there.

When the lot was purchased, was the houses -- neighboring houses existing, or you purchased it; and it was a completely like a big field and no development when you purchased the property?

MR. STANAJ: To be honest with you, the land bought somebody else before me. Like when I bought it, was just one lot was separate lot.

MR. BYRWA: Yeah. But was the neighbors already there? Was it already developed?

MR. STANAJ: No, no. Was not developed. It was vacant. Vacant.

MR. BYRWA: Okay. Everything was vacant.

MR. STANAJ: Yes.
MR. BYRWA: It was a big field out there?

MR. STANAJ: Yes, yes.

MR. BYRWA: Okay. Thank you.

CHAIRPERSON GRONACHAN: Anyone else?

I -- I have a couple of things to say and I want them on the record. This has been one of the most difficult cases that I've had in all of the years that I've served on the zoning board of appeals.

I understand residents and commitment to your home and values and property. I also understand that part of the neighborhood because I lived there for 25 years. I lived on a 60 acre farm and there weren't any houses in my yard, in my backyard, my side yard.

And 25 years ago I was driving my manure spreader on a Sunday morning, and one of the new people that built a 4,000 square foot house called the police on me because I was spreading manure on my pasture on a Sunday morning. So to say that I feel your pain and understand your frustration, I hope you understand that I'm sincere about it.

But when you're sitting at this table
and we do our homework and we look at the
regulations -- and I said this in the previous
meeting and that's why discussed about buildable,
nonbuildable lots. This lot is buildable.
Everybody says, Well, if you were in Mr. Ewing's
shoes. Well, how about if I went out and I
bought a lot and it didn't conform, and now I
want to build on it.

What am I supposed to do? Are we
supposed to tell every nonconforming lot in Novi
that you can't build? You can't as a City.
That's why they have the zoning board, and you
listen to the neighbors and you listen to the
petitioner who I have to say thank god he brought
his attorney and he finally did his homework
because that's what dragged out this case so
much. I was not going to rule nor let the board
rule on this case until we had facts. So I thank
Mr. George for doing an excellent job and
clearing the picture.

I have to support this case. And I'll
tell you why. There's two minimum requests that
he's asking for. He wants to build a home.
And -- and I get the part about the final and the
brick and all of that. And we will address that
as we make a motion if the rest of the board concurs with what I'm about to say.

When someone owns a piece of property in Novi, it's not the City of Novi to say, No, you can't do that. You can't cut that tree down. You can't put a driveway there. It's your property. Nobody came to you when you bought your one acre and said you can't do this. You went to the City. You followed the regulations, and those regulations were in tune for that lot size at that time.

Unfortunately, this piece of property fell through whatever cracks. It was not -- it's not going to be a one acre. It's never going to be a one acre. We can't make it an one acre. And because it's not an one acre, that's why we have the zoning board because there's nonconforming situations where people -- where residents come in and say I still want to do something with this lot.

Now, I've looked at the plans. There's two -- and we've never even discussed this. He's asking for a variance of 26 feet in the required front yard setback. Normally it would be 45 square feet would be re -- 45 feet would be
required, and he's proposing a 19 foot setback. A variance of 26 feet in the required rear yard setback. 50 feet is required. I think those are minimum requirements.

I don't think that the petitioner did a very good job on his homework, and I'm going to say that again because he -- I feel like this board did more homework for him than did he. He was not very good on his explanations; and, again, that's where I thank his attorney, Mr. George.

Novi is going to change. It's been changing for the last 25, 30 years. And these kinds of things do happen. It is unfortunate. It's unfortunate that whoever told you that this lot is not buildable -- believe me and I can't go any further with it. I heard that phrase out there for all the years that I've lived.

But I know that those things are not true. And I'm crazy enough to go and do the research before somebody tells me something about a piece of property, especially on that side of town. You people came in. You bought your piece of property. You built your beautiful home. It's probably -- to you it's your mansion. I get
that.

The fact that there's another house going to be 65 feet from Mr. Ewing's house, I can't stop that. That's why I'm going to -- I am going to support this request. I think it's a minimal request. I think that the petitioner and his attorney has indicated that this house will be as best that they can fit into the neighborhood that they can fit in.

It's not -- and the reason why we asked for these plans is because last month, if you-all recall, it did looked like they ripped out a picture from Better Homes and Gardens and laid it out in front of us, and I wasn't happy with that. That's why I'm going three meetings. I'm sorry, if that was an inconvenience, but we need to do our homework. And I'm taking this very seriously.

But at some point, we can't stop people who have nonconforming lots in Novi. We can't stop someone from saying, No, you can't do that to your property. I believe that it is an unfortunate situation. I believe that the petitioner and his attorney and his architects are going to work very diligently. At least I
hope, and I will put that in the motion, again if
the board supports me on this, that the
petitioner follow it, follow the requirements
that we put into this tonight if he wants to
build.

And other than that, I don't know what
else to say how to stop it. The criteria is laid
out before us. The answers have been read. I
know you all want to say how is this going to
lessen the value of your property. I don't
believe it's going to.

I've lived in this area for a long
time. Novi houses sell in five minutes if you
can even get an appointment to go look at a
house. I went last month, the house was sold
before I drove up the driveway. This is Novi.

And to be honest with you, I can
honestly for the love that I have for the City, I
can't honestly say -- and I'm saying this as an
individual, not as the chairman for the ZBA, but
I would do anything to live on that -- on that
side of the town. And if there was a house in my
backyard, so be it because I would be grateful to
have an one-acre lot because now they're cutting
those down.
One-acre lots are not even affordable for some people in the area, and they're cutting back more and more because they don't want the upkeep. And they don't want the lawn. And they don't -- we just had a case before us not too long ago that they cut it down even smaller.

If there was some way that I felt that it was right to not -- to not allow this house to being on this property, then three cases, three meetings of looking at this case, I would have come up to the conclusion. And in all honesty, I can't in my whole heart as a ZBA member say, no, I can't support this.

The petitioner has done his homework. It's a nonconforming lot. It's going to have minimum impact on the neighborhood -- these are my opinions. These are my criteria for the reason for the variance. I don't feel that -- I feel that the petitioner has established his uniqueness.

We've established when he purchased it there weren't any houses built in the neighborhood. I can see where the misunderstanding would come. I agree that when you first all came here, it sounded like there
was a lot of boasting; and we had to peel through all the fact and fiction. No, it's not a buildable lot. This guy said this. This person said that. We can't use all of that when we're making this decision.

So it is with somewhat of a heavy heart that I'm doing this because I have a group of families that are out there that want to stop one individual. But when it comes to it, I can't base it on emotion. I have to base it on rules and regulations when I sit in this chair as a ZBA member.

And I hope -- and the other thing that I want to state is that this house is not a part of your subdivision. It doesn't fall within your criteria. He doesn't have to put brick if he doesn't want to. Will we ask it? Yes, absolutely because we want it to conform to the -- we want it to be a nice looking house. But he doesn't have to follow your subdivision rules. He's not a part of it.

So despite all the hard work, despite all the hours that you -- that you the residents and Park Place have put in, I just want you to know what my decision will be for this when they
call the vote and why -- how I got there.

Is there anyone else that would like to make a comment, or would someone like to make a motion?

MR. MONTVILLE: Madame Chair, I'm prepared to make a motion at this time.

CHAIRPERSON GRONACHAN: City attorney.

MS. SAARELA: Before we start making a motion, as far as conditions, if you wanted to, you know, go ahead and condition it on a specific type of material in this case, it could be an appropriate condition as it relates to the surrounding variance request to the nearness. So if you, you know, want to condition it on building 100 percent brick or whatever, that would be an appropriate condition.

Also the petitioner mentioned that there would be City water and sewer brought to this house to make it from -- did they say it was on Nine Mile?

CHAIRPERSON GRONACHAN: Nine and Napier.

MS. SAARELA: -- Nine and Napier. So if you wanted to condition that, you know, representation as being part of the conditions of
the approval, that would be appropriate
(inaudible).

CHAIRPERSON GRONACHAN: Just for
clarification, you're saying that we can
condition that the City water and sewer is coming
and is available --

MS SAARELA: Being --

CHAIRPERSON GRONACHAN: And --

MS. SAARELA: -- that --

CHAIRPERSON GRONACHAN: -- and --

MS. SAARELA: (inaudible) as a part of
this proposal, that is correct.

CHAIRPERSON GRONACHAN: Okay. Thank
you. Is there anything else you can shed light
on?

MS. SAARELA: You know, when it says --
as far as that if you have specific conditions
that you believe will make it consistent with the
surrounding neighborhood, those would be
appropriate conditions.

CHAIRPERSON GRONACHAN: I have a
question, and I'm afraid to ask this because it
opens up a can of worms. But because we had
opposition to the deck and it brings this house
closer to those lots, can we not approve the
deck; or would that --

MS. SAARELA: Would the deck require another variance?

CHAIRPERSON GRONACHAN: -- because they --

MR. BOULARD: Uh --

CHAIRPERSON GRONACHAN: -- have a deck -- I'm sorry.

They have a deck on this initial drawing, and then it was in the other picture, but I didn't know where it was. But yet when we look at the plans on the house, the deck is not there. I don't see the deck in the plans unless somebody sees it and I'm missing it which is possible. But it's just my way of trying to maybe, perhaps, not make it so close to the other -- to Mr. Ewing's house.

MR. BOULARD: So I think -- correct me if I'm missing something, but the zoning ordinance specifies what the rear setback is and then it allows intrusion into that for a deck.

CHAIRPERSON GRONACHAN: Okay.

MR. BOULARD: That was not part of the request for additional extension into that. It might -- I actually didn't look at it, and I
don't believe there's necessarily a dimension on it. So I don't know if the deck would comply or not.

That would be something that if the board approved a certain rear setback, then we would have to see how the ordinance applies to that. I would think if you chose to grant that as a condition that there be no decks or no other structures in the rear yard, I would think that that would --

MS. SAARELA: That would probably be an appropriate condition. If you wanted to put, you know, just like a paver patio or something that's not doesn't appear to be part of the structure as far as use of the backyard, I think that would be an appropriate condition.

CHAIRPERSON GRONACHAN: So just for clarification for the record, on our drawing there indicates to be a deck of nine feet by 24 feet. Is that not to be part of this then? Is that another piece of incorrect information?

MR. BOULARD: I guess -- I'm not sure it's an incorrect piece of information. It's not something that was part of -- part of the request. The request was for the rear setback.
Whether that deck would be allowed within the standards of the ordinance hasn't been addressed yet.

CHAIRPERSON GRONACHAN: Okay.

MR. BOULARD: However, it could be something that could be precluded with the condition.

CHAIRPERSON GRONACHAN: We'll take care of that tonight.

Okay. Thank you.

Did everybody get that?

Okay. Anyone else?

Who would like to jump in and make a motion?

MR. MONTVILLE: I'm prepared at this time, Madame Chair.

CHAIRPERSON GRONACHAN: Member Montville.

MR. MONTVILLE: I move that we grant the variances is Case PZ15-0010 sought by the applicant, Pjeter Stanaj, for two variances: The first a 26 foot variance request in the required front yard setback; and the second request, a setback a 26 foot variance request in the rear setback of the proposed lot.
It has been established throughout the meeting and throughout the analysis of this case that this is, in deed, an unique and nonconforming lot currently zoned as a residential acreage. The uniqueness of the physical size of the lot is not self-created by the applicant. And in this particular instance, strict compliance of the ordinance would not allow the applicant to use the property as it is currently zoned and has been labeled as a developable property and is currently taxed as well.

The applicant has established this is the minimum variance to develop a house and a home on his property. Without the variance request, again, the developable property would not be able to be developed; and a home would not be able to be built.

The request for variance will not cause adverse impact on the surrounding property, property values, and the enjoyment of property in the neighborhood or the zoning district because the home will be noneffective on the lot sizes of the surrounding units. And at this time, I would move that we grant the two variances as
requested.

MS. SAARELA: Can I just suggest that.

CHAIRPERSON GRONACHAN: Yes.

MS. SAARELA: (Inaudible) that it's not self-created because the petitioner did not create the lot, nor did anyone in the same family or chain of ownership as the petitioner and was preexisting as purchased and that it's the uniqueness of the property is that the setbacks for the zone district would cause no house to be able to be built on the property because the setbacks overlap each other based on the current size of the zoning and that the appraiser established -- concluded that the construction of the house would not impact the value of the surrounding properties.

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

MS. SAARELA: Do you accept those changes?

MR. MONTVILLE: Yes.

CHAIRPERSON GRONACHAN: I'm sorry. It's been moved, and is there a second?

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

Yes?

MS. SAARELA: Are you adding conditions?

CHAIRPERSON GRONACHAN: Yes. I'm going to get to that. Thank you.

I would like to give a friendly amendment for the conditions. And the conditions would be that the house would be made of brick to conform to the nearby subdivision; that there would be no deck in the backyard. Instead a paver patio so not to add any elevation to the backyard and to give the -- to assist with the privacy that the neighbors have discussed; and also that the City water and sewer are available to this residence.

Am I wording that correctly?

MS. SAARELA: Be extended to the residence.

CHAIRPERSON GRONACHAN: Be extended to the residence.

MS. SAARELA: By the applicant or his successor.

CHAIRPERSON GRONACHAN: By the
applicant or his successor.

Would you accept that friendly amendment?

Yes.

MR. BOULARD: If I could suggest the language for the brick to, perhaps, clarify that the home would be 100 percent clad in brick.

CHAIRPERSON GRONACHAN: I'm sorry, say it again.

MR. BOULARD: That the home would be clad in brick.

CHAIRPERSON GRONACHAN: Brick --

MR. BOULARD: 100 percent clad in brick.

CHAIRPERSON GRONACHAN: 100 percent clad in brick.

MR. MONTVILLE: I can concur with those conditions.

THE FOREPERSON: Do we have anything else to add?

MR. FERRELL: I got a question for the City.

So us saying he can't have a deck, does that mean he permanently can't have a deck; or he has to repetition to get a variance for the deck?
How is that going to work because I don't feel comfortable just saying he can't have a deck.

MS. SAARELA: I guess the intent would be permanently not have a deck. But some other kind of patio that doesn't appear to be part of the structure, something that's not attached to the house would be permissible.

MR. FERRELL: So this wouldn't --

MR. BOULARD: Or raised.

MS. SAARELA: Or raised.

MR. FERRELL: Nothing raised?

MS. SAARELA: Right.

Mr. FERRELL: Okay. But if he tried to get a variance for that, is that something that he would be able to --

MS. SAARELA: No.

MR. FERRELL: So with this, eliminates a deck completely?

MS. SAARELA: Correct.

MR. FERRELL: Okay. Second.

MR. IBE: (Inaudible) accept the conditions?

CHAIRPERSON GRONACHAN: Hang on.

Is there anything else you can go ahead and put that on record.
MR. IBE: Yes. I've heard the motion, and I've heard the second as well as the conditions. But one thing I have not heard is that the applicant say they accepting the conditions that have been laid out.

MS. SAARELA: They don't have to accept the conditions. You can make whatever conditions you want. If they don't want to accept the conditions, then they're not accepting the variances.

MR. IBE: Well, perhaps they accept of this or none of it can sway these members one way or the other. So how am I to know what all you agree to something, you're going to vote for something not knowing whether or not it will affect the way I vote.

MS. SAARELA: Well, it's up to the Chair. If the Chair wants to ask them if they accept the conditions that's up to the Chair on procedure.

MR. IBE: Very well.

CHAIRPERSON GRONACHAN: Mr. George, you heard our motion. Do you feel that your client would accept those conditions based on that variance -- based on that motion?
MR. GEORGE: We were discussing it as you were proposing it. My client -- obviously, these are the first time -- this is the first time we've heard these conditions; but -- and as to my client, he is willing to accept those conditions --

CHAIRPERSON GRONACHAN: Okay.

MR. GEORGE: -- as they were proposed.

CHAIRPERSON GRONACHAN: Thank you.

Any further discussion?

Ms. Ramsay, would you please call the roll.

MS. RAMSAY: Member Ferrell?

MR. FERRELL: Yes.

MS. RAMSAY: Member Ibe?

Mr. IBE: No.

MS. RAMSAY: Member Byrwa?

MR. BYRWA: Yes.

MS. RAMSAY: Member Richart?

MR. RICHART: No.

MS. RAMSAY: Member Montville?

MR. MONTVILLE: Yes.

MS. RAMSAY: Chairperson Gronachan?

CHAIRPERSON GRONACHAN: Yes.
MS. RAMSAY: Motion passes four to two.

CHAIRPERSON GRONACHAN: Mr. Stanaj,
your request for your variances have been
granted. Congratulations.

MR. STANAJ: Thank you.

CHAIRPERSON GRONACHAN: And I hope that
you make peace with the neighbors in
Park Place.

MR. STANAJ: Thank you.

Mr. GEORGE: Thank you.

CHAIRPERSON GRONACHAN: Well, Members,
at this time, I would like to call for another
five-minute break. That was a long, long case.
So let's everybody clear their head. I
appreciate the two more petitioners that we have
waiting for us. We'll make it quick, three
minutes, five minutes; and then we'll be back.

(Recess taken.)

CHAIRPERSON GRONACHAN: At this time,
I'd like to resume the meeting of the ZBA and
continue with our next case, Case
Number PZ15-0036, Ryan and Lindsay Szostek -- I'm
so sorry.

MR. SZOSTEK: No, don't be sorry.

CHAIRPERSON GRONACHAN: -- at 1310 East
Would you please come on down.

Board members will remember that this is a continuation from last month where there was a change in the number of variances. And I think before I call on the petitioner, I may call on the building department to explain further.

Would that be okay?

MR. BOULARD: Okay. So as I understand one of the questions that came up last month was whether this home also required -- this proposal also required a variance for the number of floors. Immediately after the meeting, we spoke with the petitioner's architect. He didn't have that information immediately, and the deadline was there for -- was -- was approaching to do any notice that would allow us to keep this on the meeting.

So we went ahead and noticed for the additional variance just in case it was needed. So what you'll see on, even the staff report, is that it assumes, for lack of anything else, that the variance is required. The last -- there's the drawings that are -- the drawings that are --
are attached include some -- some additional
information. They're kind of more detailed than
what was there previously.

The last -- the last sheet -- the very
last sheet includes the calculations that show
that the lower floor is actually not a story
above grade based on the definition in the zoning
ordinance of whether the space between the top of
the floor and the ceiling above is more than
50 percent below -- below grade.

So those calculations show that.

Therefore, the only variances that are required
are the two that were initially requested. So
it's a great, great question. We got the -- we
got the answer. We're covered if we needed it,
but we don't need it.

So I'd be happy to answer any questions
other than that.

CHAIRPERSON GRONACHAN: Thank you. I
thought it would be easier for him to explain it.
Turn it over to the expert than for you.

MR. SZOSTEK: I may have done just as
well.

CHAIRPERSON GRONACHAN: I know. And
probably have.
Well, good evening. And would you please state your name for our secretary.

MR. SZOSTEK: Sure. Hi. My name is Ryan Szostek, R-y-a-n S-z-o-s-t-e-k.

CHAIRPERSON GRONACHAN: I will remind you that you were sworn in and you're still under oath at this time. And if there's anything additional that you would like to add from last month's testimony, then you can.

MR. SZOSTEK: In the interest of brevity, I have nothing else in excess of what we talked about last time.

CHAIRPERSON GRONACHAN: Okay.

MR. SZOSTEK: Unless you have questions.

CHAIRPERSON GRONACHAN: Thank you.

Building department has offered their information. Is there anyone in the audience that wishes to make comment on this case?

Seeing that there's no one running to the front, we will look at the mailings and turn it over to the secretary.

MR. FERRELL: Thank you, Madame Chair.

There's 26 letters sent, five letters returned, zero objections to the letters.
received, one approval letter received which was
read into the record on 10/13/15 meeting. It was
a list of ten signatures with neighbor approval.

Ryan and Lindsay Szostek zoning

variance memo. By signing below, the signor
certifies they have been contacted by Lindsay and
Ryan Szostek in reference to a proposed property
variance for the below mentioned property.

As such the signers have no objection
for the proposed variance, Case Number PZ15-0036
issued by the Zoning Board of Appeals. Property
address is 1310 East Lake Drive, Novi, Michigan
48377.

The signor is fully aware that there is
a zoning board meeting for this case on
October 13th, 2015, at 7:00 p.m., and written
objections must be submitted by October 13th
before 3:00 p.m. to -- I can't really read the
it's S-r-a-m-s-a-y at City of Novi dot org. I
don't know if that's right -- that would be
you -- or via fax at (248) 735-5600.

The first one is 1309 East Lake Drive,
Kristen Bell, common spelling. 1314 East Lake
Drive, Patricia Nessel, N-e-s-s-e-l. 1312 East
Lake Drive Bruce Bryda, B-r-y-d-a. 1304 East
Lake Drive, Richard Titsworth, T-i-t-s-w-o-r-t-h.
1300 East Lake Drive, Belinda Kubbe, K-u-b-b-e.
1294 East Lake Drive, Carol Smith. 1313 East
Lake Drive, David Rott, R-o-t-t. 1250 East Lake,
Nicole Gabel, G-a-b-e-l. 1256 East Lake Drive,
Joye, J-o-y-e, Harris, H-a-r-r-i-s. 1349 East
Lake Drive, Brent Westbrook, W-e-s-t-b-r-o-o-k.
That is it.

CHAIRPERSON GRONACHAN: Okay. Thank you.

And I'll turn it over to the board.

Does anybody have anything to offer, or do we have a motion?

MR. IBE: We have a motion.

CHAIRPERSON GRONACHAN: Okay.

MR. IBE: Thank you.

Madame Chair in Case Number PZ15-0036
Ryan and Lindsay Szostek 1310 East Lake Drive,
Novi. I move that we grant the petitioners' request as requested for the following reasons that, one, that the petitioner has established that the difficulty with this particular parcel of property and that this property is unique in the sense that it is a nonconforming parcel and the physical conditions make it such that the
minimum variance is required here in order to avoid any kind of personal hardship to the applicant.

The need here is not self-created; and again, this is based on what we've known very well regarding this lake front property stats that come before us all the time. And, unfortunately, it is what it is. And even at -- for the applicant or anyone else who lives in that part of Novi to do anything, a variance is most certainly required.

Strict compliance within the regulations of the zoning ordinance unreasonable prevents the applicant from doing what is the right thing. Meaning that putting up a home that is obviously -- that will conform to their taste as well as to the neighborhood as will also create a burdensome to them. The petitioner has established that the minimum variances requested is that which will do justice to allow them to do what needs to be done.

And, finally, granting the variance will not cause any adverse impact on the surrounding properties. And as we've stated in the past with any kind of lake front properties,
any kind of development that comes around or to improve the property only enhances the property values around them. And certainly this will not be different.

Therefore, based on the statement that was previously made at the last meeting by the applicant and what has been put forth today by the building department, I move that we grant the request as requested subject to Mr. Boulard's statement.

MR. BOULARD: In view of the fact that the current request includes additional height, would you like to delete the variance for the additional height of three stories?

MR. IBE: Okay. What was he saying?

CHAIRPERSON GRONACHAN: So he's saying that the third -- it was the third variance, correct?

MR. IBE: Right. It was the third variance.

CHAIRPERSON GRONACHAN: So we need to delete that in your motion.

MR. IBE: All right. I move that we delete the -- is it the portion of -- yes, the third variance, I assume, regarding the third
story of the building height?

MR. BOULARD: Yes.

CHAIRPERSON GRONACHAN: Since there is no third story.

MR. IBE: Since there is no third story. I -- I will adopt the statement as made by the building department to the motion.

MR. FERRELL: Second.

CHAIRPERSON GRONACHAN: It's been moved and seconded.

Is there any further discussion on the motion?

Ms. Ramsay, will you please call the roll.

MS. RAMSAY: Member Farrell?

MR. FERRELL: Yes.

MS. RAMSAY: Member Ibe?

MR. IBE: Yes.

MS. RAMSAY: Member Byrwa?

MR. BYRWA: Yes.

MS. RAMSAY: Member Richert?

MR. RICHERT: Yes.

MS. RAMSAY: Member Montville?

MR. MONTVILLE: Yes.

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

MS. RAMSAY: Motion passes six to zero.

MR. SZOSTEK: Thank you.

MR. MONTVILLE: Congratulations.

CHAIRPERSON GRONACHAN:

Congratulations. Good luck.

MR. SZOSTEK: Appreciate it. I need it.

CHAIRPERSON GRONACHAN: Okay. That takes us to our last case, Case Number PZ15-0039 Oakland Flex Academy Image 360 on behalf of Oakland Tech Academy at 24245 Karim Boulevard, North of Ten Mile and West of Haggerty. Petitioner is requesting a variance for a single ground sign of 32 square -- I'm sorry, a 32 square foot monument sign.

Good evening, gentlemen. Could you please state your name; and if you're not an attorney, be sworn in by our secretary.

MR. PERRY: My name is James Perry, J-a-m-e-s P-e-r-r-y. I'm not an attorney.

MR. NAGEL: John Nagel, J-o-h-n N-a-g-e-l. I'm with Image 360.

Mr. FERRELL: Would both of you raise your right hand.
Do you swear to tell the truth in the testimony you're about to give?

MR. PERRY: Yes.
MR. NAGEL: Yes.
MR. FERRELL: Proceed then.
MR. PERRY: So we are asking for a sign variance. We have a building sign and understand that the ordinance says you can't have a building sign and a ground sign. But the building sign is very difficult to see on our building. There are some bushes and some trees on our property and the property next to our building that make it really difficult when you're coming down Ten Mile to identify our building. So we are asking if we can put a monument sign on Ten Mile to identify where the school is located at that building.

So we've heard from a lot of people that are coming to find us that they are having a hard time finding us. So lots of, you know, turnarounds and things like that to find us. And we also feel like it's -- you know, we would like to have more of a presence as far as our signage goes. So just community awareness to know where we are and that we actually exist. So those are kind of the main reasons.
CHAIRPERSON GRONACHAN: Okay. Anything else?

MR. NAGEL: Nope.

MR. PERRY: Nope.

CHAIRPERSON GRONACHAN: All right. Is there anyone in the audience -- clearly not -- to make any comments?

Correspondence?

MR. FERRELL: Yes, Madame Chair.

There's 36 letters sent, zero letters returned, zero approval, zero objection letters received.

CHAIRPERSON GRONACHAN: Okay.

Building department, do you have anything else to offer?

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

CHAIRPERSON GRONACHAN: Thank you.

Board members?

MR. RICHERT: Can you describe the type of sign that you would like to put up?

MR. PERRY: Sure. We've get a picture here, and I'll let John describe it.

MR. NAGEL: It's a synthetic structure like a stucco based product, the new version of the stucco. It will have dimensional letters.
We got eight foot wide, four foot tall, about a 12 inch base. The colors of the background on the sign and the base will match the colors of the building. The letters themselves will be dimensional. Anywhere from a half inch to one inch of dimension.

MR. RICHERT: Lit?

MR. NAGEL: It will be unilluminated, internally illuminated. There may, as we get into landscape, be additional landscape lighting on it but it would be very low voltage up light. I do have some parking lot light that we're hoping will help drift down to the sign.

MR. RICHERT: Thank you.

MR. NAGEL: Uh-huh.

CHAIRPERSON GRONACHAN: Anyone else? I have a question about Flex Tech. Can you tell me a little bit about your business and what type of people you have coming to your location --

MR. PERRY: Sure.

CHAIRPERSON GRONACHAN: -- and how they find you.

MR. PERRY: Okay. So we're a charter high school, ninth through 12th grade, and this
is our third year. There's about 110 students at the school, grades nine through 12; and they typically find us -- it's pretty much word of mouth, website, you know Google searches, that kind of thing. We do have open houses and community events, things like that.

And when someone -- you know, when I give directions or tell somebody, you know, where we're located or they put our address into, you know, Google maps or something, that's when we're hearing a lot that they're driving by the building and not seeing us.

CHAIRPERSON GRONACHAN: Have you contacted Google as to find out why Karim Drive isn't showing up on Google at all?

MR. PERRY: Well, so the address will show up, but they're -- they're having a hard time knowing what building is ours. So when they come in, you know, there's two office buildings that are identical as far as the shape and almost the color and stuff like that. But, yeah, those are a lot of the comments that we find.

THE FOREPERSON: So when the ground sign would not be lit for the evening -- do you have evening classes?
MR. PERRY: No.

CHAIRPERSON GRONACHAN: So your hours normally are?

MR. PERRY: 8:00 to 4:00.

CHAIRPERSON GRONACHAN: Okay. And then -- so I'm not familiar with this type of school. So if I call you and say my 12-year old needs to come see you, for whatever reason that you -- I would find your school advertised where? Through the school system? Through yellow pages?

MR. PERRY: Yeah. All of those. So we're in public school directory. I'm guessing anywhere schools would be registered, our school would be on that registration.

CHAIRPERSON GRONACHAN: I drove by there last Saturday, and oddly enough your sign jumped right out in front of me. Seriously, and it's the wrong time of year to apply for your sign because you can see your sign.

MR. PERRY: Yeah. There's no leaves on the trees and stuff like that.

CHAIRPERSON GRONACHAN: There's no leaves. So I struggle with this because, you know, sometimes with all this landscaping, I don't know what we're doing. When we do the
landscaping, it's for buffering and all the
planting and all of that; and then we create this
by not being able to see your building. I'm
going to wait and see what my other board members
have to offer at this point before I make any
further comment. Thank you.

MR. MONTVILLE: A quick question.

CHAIRPERSON GRONACHAN: Member

Montville.

MR. MONTVILLE: Madame Chair, a
question for the applicant.

And I know a lot of these buildings --
so you're a tenant, but your landlord has a sign
for several of the tenants; albeit, smaller signs
for each of the tenants. Have you reached out to
your landlord?

MR. PERRY: So we're not a multi-tenant
building. Is that what you're asking?

MR. MONTVILLE: Potentially. Why don't
you shed some light on it.

MR. PERRY: We occupy the whole
building. So we're the only tenant of the
building.

MR. MONTVILLE: Okay. Thank you for
that clarification.
CHAIRPERSON GRONACHAN: Anything else?

No?

Is there a motion?

MR. MONTVILLE: Madame Chair, I'm prepared to make a motion.

CHAIRPERSON GRONACHAN: Mr. Montville, go ahead.

MR. MONTVILLE: I move that we grant the variance request in Case PZ15-0039 sought by John Nagel with Image 360 on behalf of Oakland Flex Academy because the petitioner has shown practical difficulty due to the surrounding nature of the lot gaining proper visibility to the street and access to customers.

Without the variance, the petitioner will be unreasonably prevented or limited with respect to use of his property due to the lack of visibility that was there before the tenant occupied the building. The property is unique because of its lack of visibility to ongoing traffic going down Ten Mile Road in this particular instance; and for that same reason, the petitioner did not create the condition in question.

The relief granted will not
unreasonably interfere with adjacent or
surrounding properties. It will be unilluminated
during the evening, and it will be for better
access of visibility during operating hours for
the single tenant or occupant of that building.

I believe it's consistent with the
spirit and intent of the ordinance due to the
lack of visibility for the business and lack
of -- excuse me, the increased missing of the
customers of the tenant finding the building as
they search for it. So I move that we grant
variance for this petition.

MR. FERRELL: Second.

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

Ms. Ramsay, would you please call the
roll.

MS. RAMSAY: Member Ferrell?

MR. FERRELL: Yes.

MS. RAMSAY: Member Ibe?

MR. IBE: Yes.

MS. RAMSAY: Member Byrwa?

MR. BYRWA: Yes.

MS. RAMSAY: Member Richert?

MR. RICHERT: Yes.
MS. RAMSAY: Member Montville?

MR. MONTVILLE: Yes.

MS. RAMSAY: Chairperson Gronachan?

CHAIRPERSON GRONACHAN: Yes.

MS. RAMSAY: Motion passes six to zero.

CHAIRPERSON GRONACHAN: Gentlemen, you're variance has been granted. Please visit the building department. I'm sure they will help you out.

MR. PERRY: Thank you.

MR. NAGEL: Thank you.

CHAIRPERSON GRONACHAN: And that concludes this evening's meeting.

Are there any other matters for discussion this evening?

Only thing I would like to -- if there's anybody still watching, which I don't know; but I would like to wish every veteran out there a very happen Veterans Day and thank all those who served. Tomorrow is a very special day, and the City of Novi will be closed, but the rest of us will be paying tribute to those who served and helped save our country.

And with that, is there a motion to adjourn?
MR. IBE: I move that we adjourn.

CHAIRPERSON GRONACHAN: All those in favor?

COLLECTIVE BOARD: Aye.

CHAIRPERSON GRONACHAN: Meeting is therefore adjourned.

(Meeting was adjourned at 10:00 p.m.)
CERTIFICATE OF NOTARY

I, Patricia J. Hankerd, certify that the above proceeding was taken before me on the date hereinbefore set forth; and that the foregoing proceedings were recorded by me stenographically; that said transcription is a true and accurate transcript of the proceedings had and testimony taken.

I further certify that I am not related to, nor counsel to, any of the parties involved in the above proceedings, nor do I hold any interest in said cases.

____________________________
Patricia J. Hankerd, CSR 5430

My Commission Expires:
December 27, 2016