REGULAR MEETING - ZONING BOARD OF APPEALS

CITY OF NOVI

May 12, 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, May 12, 2015

BOARD MEMBERS
Cindy Gronachan, Chairperson
Linda Krieger, Secretary
Rickie Ibe
Mav Sanghvi
David Byrwa
Jonathan Montville

ALSO PRESENT: Thomas Walsh, Building Official
Beth Saarela, City Attorney

Coordinator: Stephanie Ramsay, Recording Secretary

REPORTED BY: Jennifer L. Wall, Certified Shorthand Reporter
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Novi, Michigan.
Tuesday, April 7, 2015
7:00 p.m.

** ** **

CHAIRPERSON GRONACHAN: I would like to call the Tuesday May 12, Zoning Board of Appeals meeting to order.

Would Member Krieger like to lead us in the Pledge of Allegiance. Please stand.

(Pledge recited.)

CHAIRPERSON GRONACHAN:

Ms. Ramsay, will you please call the roll.

MS. RAMSAY: Member Ferrell is absent, excused.

Member Ibe?

MR. IBE: Present.

MS. RAMSAY: Member Krieger?

MS. KRIEGER: Present.

MS. RAMSAY: Member Sanghvi?

MR. SANGHVI: Here.

MS. RAMSAY: Member Byrwa?

MR. BYRWA: Present.

MS. RAMSAY: Member Reichert is
absent, excused.

Member Montville?

MR. MONTVILLE: Yes.

MS. RAMSAY: And Chair Gronachan?

CHAIRPERSON GRONACHAN: Here.

I will note tonight that we are missing two members of the board, however, we do have a full board with our alternate, Member Montville, who will be voting this evening.

There are some rules and format of how our meetings are run in the back of the room. I'm asking everyone to please turn off their cellphones at this time.

The applicants and the representatives for each case will be called forth, you will state your name and spell it for the secretary.

You will be allowed five minutes to address the board. And if there is anyone from the surrounding areas that wish to make comments in regards to the case they will be called upon.

Our next moment would be to
approve the agenda to this evening.

Are there any changes or additions to the agenda?

(No audible responses.)

CHAIRPERSON GRONACHAN: All those in favor of the agenda for this evening say aye.

THE BOARD: Aye.

CHAIRPERSON GRONACHAN: Any opposed?

(No audible responses.)

CHAIRPERSON GRONACHAN: The agenda is so approved.

We have the minutes from March 10th and April 7 that were postponed until this meeting.

Are there any changes or additions to the minutes?

(No audible responses.)

CHAIRPERSON GRONACHAN: All members in favor of approving the minutes from March 10th and April 7 say aye.

THE BOARD: Aye.

CHAIRPERSON GRONACHAN: Any opposed?
(No audible responses.)

CHAIRPERSON GRONACHAN: Seeing none, the minutes for March 10th of 2015 and April 7 are approved.

At this time, I would like to ask the audience if there is anyone that wishes to make a comment in regards to any concerns or items that may be coming to the ZBA in the future, would come forth and voice your opinion at this time.

This is not for members of the audience that have anything to say about the cases for this evening.

If there anyone out there has any anything to offer to the ZBA this evening?

(No audible responses.)

CHAIRPERSON GRONACHAN: Seeing none, we will call our first case, PZ15-001, Jimmy Asmar on behalf of the Homewood Suites.

This applicant is requesting a variance for the City of Novi to allow construction of a five-story extended stay hotel.

They're requesting three
variance -- four variances, I'm sorry.

Is the petitioner here?

Would you please come forward

and state your name.

Are you both going to give

testimony this evening?

MR. ASMAR: Good evening, yes.

CHAIRPERSON GRONACHAN: Would you

please both state your names and spell them

for the secretary and then raise your right

hand for Ms. Krieger and be sworn in.

MS. KRIEGER: In Case No.
PZ15-0001, for Jimmy Asmar on behalf of
Homewood Suites do you swear to tell the
truth in this case?

MR. ASMAR: Yes.

MR. ANDRE: I do. Andy Andre

from Budd Design and Engineering.

MR. ASMAR: Jimmy Asmar.

MS. KRIEGER: Could you spell

your names for our court reporter.

MR. ANDRE: Last name is Andre,
A-n-d-r-e, first name Andy.

MR. ASMAR: Jimmy Asmar, last
name, A-s-m-a-r.
MS. KRIEGER: Thank you.

CHAIRPERSON GRONACHAN: Gentlemen, please proceed.

MR. ANDRE: Thank you very much. We are coming forth asking for several variances that effect the property. We have been to the planning commission and have been through a preliminary site plan approval and now are asking for a couple of variances that go along with this development as well.

What we are proposing is a five-story hotel, Homewood Suites, which is an extended stay hotel near the intersection of Town Center and Eleven Mile Road.

It's a vacant parcel right now, has frontage along Town Center, right where the roadway is under construction.

This is a unique parcel in that there is a number of different constraints that are associated with it.

When you look at the drive that enters off Town Center, and heads down to several other hotels, there is a cross-access easement, which provides access to the other hotels that are in the area.
That driveway is on -- is part of this parcel, so there is an easement over that area.

But overall, the parcel is 1.87 acres in size, so actually it's a relatively small parcel. It's effected on the south by that drive, and then as well when you look along the frontage, there is some existing utilities that run along the frontage. There is some vegetation, several trees as well along Town Center.

There is a 20-foot water main easement that runs across this parcel, again, onto the portion of the property.

So we have worked very closely with the planning staff, the fire department to develop a plan that would meet all of those requirements.

We also have a walkway that runs along the frontage of Town Center again on the property. So this 1.87 acres becomes very condensed, and which again makes it very unique.

A couple of the variances that we are asking for are related to the parking,
parking setbacks.

One would be on the north side, and again, positioning of the building, positioning of the property, the site, onto the property was worked with staff and because of the encumbrance that we have with the drive on the southern aside, we had to shift our development a little bit further north. So we met the requirements along the southern and the western property, but along the northern portion we came a little bit closer then the setback would allow and hence we are looking for the variance.

On the east side, when it -- regarding the parking, if you have been out to the property, you have seen there is already an existing parking lot out there.

Again, that's part of the shared access that's in place with this property. I think it works out very well, but again, that -- I would say it is almost about half way through that parking area is the property line.

And so again it condenses down the developable area. So as part of that, we
are integrating our parking and our
circulation and our drives with these
cross-access opportunities. We are now
proposing a new drive onto Town Center. We
are going to utilize the existing ingress and
egress that's already there.

Regarding the loading and
unloading, there are several hotels in the
area, right in the immediate vicinity and
what we notice also is these -- both of those
properties, I didn't notice, have loading and
unloading.

Hotels and hospitality are
moving away from that because as part of this
development, they are going to have
breakfast, so it will be breakfast only. So
there is not a high volume of traffic by food
service and different things like that, so a
dedicated space for loading and unloading
really isn't necessary because they don't
generate the volume. Small volume when it
comes to food service, linens that type of
thing, once a week type of deliveries, and so
to dedicate a large area of space, we
actually worked with planning staff to engage
more green space as part of the property in place of the loading and unloading and meet the landscaping requirements.

And then the last one is in regards to the dumpster location. Again, we positioned the dumpster location would be on the northeastern portion of the property, furthest away from Town Center, furthest away from the existing hotel of the buildings, utilizing again that cross-access. We positioned it so that we can gain access directly in and out, but because of again the setbacks issue, the drive to the south when we pushed the site plan a little bit further north, we got into that parking setback again a little bit. Talked a lot with Shereen (ph) in planning about this, they felt that the overall development really worked well here, just addressing these last couple of items here.

So we are asking for your consideration when it comes to these items. I'll be happy to answer any questions you have as well.

CHAIRPERSON GRONACHAN: Thank you
very much.

Mr. Asmar, do you have anything more to offer?

MR. ASMAR: That's everything.

CHAIRPERSON GRONACHAN: Thank you. Building department?

MR. WALSH: No comments at this time, thank you.

CHAIRPERSON GRONACHAN: Board members? Wait. I'm sorry. Our secretary. Our correspondence that we have?

MS. KRIEGER: In Case No. PZ15-0001, 12 letters were mailed, two letters returned, no approval, or objection letters received.

CHAIRPERSON GRONACHAN: Thank you.

Now board members. Questions? Member Sanghvi.

MR. SANGHVI: Thank you, Madam Chair.

Do you think we can have this site plan on the screen so the people at home can see it.

CHAIRPERSON GRONACHAN: Is that
possible, we can get the site plan up on
the --

MR. WALSH: I don't have the
ability to do that.

CHAIRPERSON GRONACHAN: Evidently
we don't have that.

MR. WALSH: Unless they have a
copy.

MR. ANDRE: I do have a copy.

MR. SANGHVI: Will you do me a
favor and show everybody at home where this
site is located on this --

MR. ANDRE: Absolutely. So,
again -- so we have -- this is our hotel,
right in through here, Town Center, that runs
here, this is the existing drive that comes
down. Right along where this pointer is,
that is our property line.

Property line bounds here,
here, here. So you can see half of this
roadway is within the property, you know,
creating kind of that area where we want to
keep the separation, there is existing light
poles, there is existing water main that runs
in this area, so we want to leave that
undisturbed. Again, so that pushes us a little bit farther.

Now, we are maintaining our setbacks here, we are maintaining our setbacks here, but we come a little bit pinched up in this area, through here. But when you look at it as a whole, from where we're proposing our curb line, to the adjacent curb line, there is quite a bit of green space in there. And there is some well-established vegetation as well.

On the east side, again, when we rundown through here, you can see that's the property line, that's the parking area that we are talking about how we are integrating in our circulation. We worked very, very closely with the fire department to make sure that we had circulation, we provided a secondary means of egress here. I think we took what they had very seriously and worked with them very closely.

And so we have -- we have some parking in here that creates that setback issue as well.

And then this is the area
where we have the dumpster. Again, positioning the dumpster where we can come in, easy circulation in, be able to traverse out, it makes -- logistically it makes the most sense for the location. But again, we encroach a little bit within that parking setback here.

MR. SANGHVI: Thank you very much. I think this is much clearer now, as for people at home and I appreciate your indulgence.

I know this location very well. I have known it for many years. I am glad you are building something there.

And to be quite honest, there is no other way to do anything else than the way you have suggested and I have no problem in granting the variances you have requested. Thank you.

CHAIRPERSON GRONACHAN: Thank you, Member Sanghvi.

I'm still learning how to do the procedures here and misspoke. I would like to know if there is anyone in the audience that has any comment in regard to
this case?

Sir, would you please come down, state your name for the record.

MR. SUNDAY: First name is Ron, last name Sunday. I am the general manager of Courtyard that --

MS. KRIEGER: Are you an attorney?

MR. SUNDAY: No, general manager for the two hotels that sit right behind this parcel.

I just wanted to express our opposition to it because that is a very tight parcel, as they mentioned.

Fitting a hotel in there would be tough to do. But the parking that they mentioned, currently we utilize every space of that parking. I actually would have to check with our ownership group. I always thought that was our parking. So we utilize all of it, for when we have sold out nights, which is typically four nights a week.

You know, the way this is drafted, now our guests would stare at a dumpster at the back of that parcel. Our
hotel is not far from where that parking line
sits.

That's really all I wanted to
express is just the fact that -- I mean,
it's -- you may be able to make it work, but
now all of a sudden, you know, it's
encroaching on our property lines.

I know the variance was
typically -- I think it's 20 feet that was
mentioned in the notes, and they're asking
for six feet. I mean, that's 14 feet coming
towards our hotel.

CHAIRPERSON GRONACHAN: Thank you
very much.

Is there anyone else in the
audience that wishes to make a comment at
this time?

(No audible responses.)

CHAIRPERSON GRONACHAN: Seeing
none, my apologies to the board for breaking
procedures, but is there anyone at the board?

MR. BYRWA: I got a couple of
questions.

One is that you mentioned a
dumpster. You're providing a dumpster enclosure on that?

MR. ANDRE: Correct, so it will not be open.

MR. BYRWA: The second question I have is, the fire department kind of gave the okay on the water main pressure, the status, residual pressure would be adequate to handle your suppression system?

MR. ANDRE: That's correct. We worked very closely with them. We engaged them very early on in order to do both circulation because obviously the building will be fully suppressed, and we have -- we spoke to them very early on about that.

In one of the items that's been brought up is obviously this is a permitted use within the zoning, we are not asking for a zoning change or anything to that effect.

And as was mentioned here, that parking, we are not intending to interrupt any of the parking there, none of the parking. This is a shared drive that we want to utilize because it's already written
in, there are easements in place. So these are easements that are already in place, that are associated with both properties.

And so we are not proposing to eliminate any parking offsite, or to encumber any access in and out.

If they are full, those areas are still open for the parking. We are contained wholly on our site with our parking and our access as well utilizing the cross-access.

MS. KRIEGER: The curb that's there right now in the grass, that would be removed and then it would also be moved over and that will be a continuous parking area?

MR. ANDRE: Actually that is a very good point.

So the drive that comes down through here, there are existing curbing, that comes in and around, what we will do is we will be maintaining that curbing, have an opening right here for the drive. Again, this portion, this is the property line, that opening will be on our property.

There is parking that we are
proposing along this frontage here on our property. Again, then with the drive, at this location, on the property.

So that neither drives nor the parking are proposed to go offsite. It's just the means of ingress and egress utilizing the existing easements that are already in place.

MS. KRIEGER: Do you know offhand, the dumpster, when they do pickup, like if they did it in the middle of the night or early in the morning, so if somebody was sleeping in either area.

MR. ASMAR: Typically during the day, not early morning or late at night because same thing with our guests, we are not going to want our guests to be disturbed by the dumpsters either.

MS. KRIEGER: So it will be enclosed and have landscaping?

MR. ANDRE: That's correct, we are fully landscaped in and around that area, and screening it so it will be screened. There are gates on it, you know, be closed, you know, normal procedures when it comes to
that.

MS. KRIEGER: It's very tough because it has four sides, four faces almost.

There is something about the fire -- I saw it -- it said corrected in part -- I want to backtrack on that.

In our plan that we got in the computer, from the city it was very excellent, the presentation.

But the fire asked for 20 feet and there was 14 that was corrected?

MR. ANDRE: Let me talk to you real quickly about it.

I know it's a little bit, probably because of -- you know, we are putting this on an overhead. You will see, down in this area right here, you can see there is a fire truck. We took and we are simulating the fire truck.

We have a turning program that we bring the fire truck in and out so that we worked with the fire chief to show them that we can get ingress in and out.

What he was concerned with, he was looking for a secondary means so we
provided that right here, and he asked for
20 feet and we provided 20 feet to him there.

   MS. KRIEGER: And offhand, that's
not related to that, since it's going to be
an extended stay versus an overnight, would
there be a shuttle service, like US Park or
like in some businesses when they have to
take people to the parking lot, would they
have something where people -- since it will
be staying -- like if somebody came from out
of state, staying in your area, and then
drove around the shopping area?

   MR. ASMAR: We do have a network
of courtesy shuttles, so that will be service
that will be offered for convenience, yes.

   MS. KRIEGER: Thank you.

   CHAIRPERSON GRONACHAN: As Member
Krieger will be staying there.

   Anyone else?

   I have a question. For the
record, I would like to know how many parking
places do you have? I'm sure it's in our
report, but to clarify on the parking, since
there seems to be a concern.

   MR. ANDRE: We have a total of 88
rooms and we have a total of 90 parking spaces.

CHAIRPERSON GRONACHAN: For clarification purposes, because I was confused at the beginning when you started talking, the parking that's adjacent to this property, you will not be using, it's not a shared parking lot?

MR. ANDRE: No, that's correct.

CHAIRPERSON GRONACHAN: So everything that as you said, spoke earlier in your testimony, everything pertaining to this hotel is on this piece of property?

MR. ANDRE: That's correct. The only thing that we say is there is a cross-access in place that has ingress and egress. I think that benefits -- I think that provides benefit to the city because we are not proposing another drive access out onto Town Center.

We are utilizing that internal network in order to do that, so that's correct.

CHAIRPERSON GRONACHAN: What will prevent your residents from parking in the
other parking lot for the other hotel?

MR. ANDRE: Probably the same
that doesn't prevent theirs to park in ours.
I think being well delineated, I think one of
the things that -- when we look at that, our
main entry is here, and so, you know, most
people come up, they park -- you know, they
will drop-off, they will utilize that
parking. We have enough parking on the site
itself. We do have a couple spaces over in
here, that's typically for the guests that
will stay in these rooms through here, the
elevator is located in the central core area,
and so we feel that, you know, the majority
of our parking will be centralized in this
area.

You know, I don't think there
will be any issues between parking between
the two properties.

CHAIRPERSON GRONACHAN: Again for
clarification, and just to ease the
objections, if any, this is not necessarily a
hotel that's going to be offering large
parties or weddings or that sort of thing?
That's not the design of this hotel, correct?
MR. ANDRE: No. That's correct. This is an extended stay hotel, very similar to another one in the area that is intended for longer term stays, three to five evenings, lot of business travelers, that type. There is no restaurant associated with it, you know, mentioned the food service is just for those guests, for the morning continental type breakfast, so you are not going to have the weddings or -- you know, anything like that that would be there.

The meeting room is a very small, intended only for the guests of the hotel. So no, we wouldn't anticipate anything like that.

CHAIRPERSON GRONACHAN: I have to say that especially due to the city's new planning or new staff report that they gave us, it made doing our homework a lot easier. I commend Mr. Walsh and the building department for helping us out doing our homework.

I also want to commend you gentlemen for doing such a great presentation. My concern was with the
dumpster. I think you have addressed my concern, and with the parking. Because you're going to be a new business, you certainly don't want to be at odds with any other surrounding business. I don't think that's the intent. I appreciate the neighbor coming in, I hope there aren't any other issues. You know how people are when they are parking.

I think that you've addressed the concerns that I have at least. Anybody else on the board that has anything to question?

(No audible responses.)

CHAIRPERSON GRONACHAN: Seeing none, is there a motion?

MR. WALSH: Just a clarification. Petitioner indicated that the fire lane is shown at 20 feet, however, on the plans it's indicated 15. But the fire department report says it must be corrected to 20. I just want to make sure that that's clear. When you come in (unintelligible) that the plans are corrected from 15 to 20.

MR. ANDRE: Absolutely.
MR. WALSH: That's all. Thank you.

CHAIRPERSON GRONACHAN: Okay.

Anyone for a motion? Member Ibe.

MR. IBE: I guess I'll do it.

Madam Chair, in Case No. PZ15-0001, for Jimmy Asmar on behalf of Homewood Suites, I move that we grant the petitioner's request as requested.

The petitioner's testimony presented by two representatives have demonstrated that they demonstrated practical difficulty in constructing the hotel, that is intended for this particular parcel.

The petitioner has established that the property, the business location is a unique place. And it has full frontage, from what I understand, and there are some -- there are some developments in terms of -- on one of the frontage that causes the petitioner to move the construction further back in, which would require a rear setback variance in order to insure that the property is, in fact, constructed.

The physical condition of the
property itself is such that a variance --
without a variance would make it impossible
to reach the goals set by the petitioner.

The need here is not
self-created. Unfortunately, this parcel, of
course, has been the way it is, when it was
purchased by this particular petitioner, who
wish to develop it. They take it as it is,
however, in order to have a meaningful
development, and use of this property,
without a variance, it will be impossible.
It is not self-created. Strict compliance
with dimensional regulations of the zoning
ordinance will either make it unreasonably --
prevent the petitioner from using the
property for the permitted purpose.

Petitioner has established
that a variance is the minimum variance --
petitioner has established that the variance
requested is the minimum necessary because a
lesser variance will not be practical for the
use intended here.

The requested variance will
not cause adverse impact on surrounding
property, and I must state that we did have
an objection from one of the neighbors who also is in the business of hotel, with customer service and their concern had to do with the dumpster that will be positioned, I think in between the two hotels. But the petitioner has assured us that it will be enclosed, so it will not be an eyesore, and it will not, of course, detract from the beauty of the area.

The petitioner has also stated that the use of the property is not such that it will require a large number of people in a place that will create an atmosphere that will stop its neighbors and also stated that the property is for an extended stay, which means that people who typically would stay three to five nights.

It is not a place for banquets and conventions, it is merely a place for most business travelers who have long-term stay. So the fears that the neighbors might have, though we take notice of it, but I don't think it's such that will prevent the granting of this variance itself.

I believe that the property in
the area will actually benefit from the development of this parcel that has been vacant for a while now.

It will bring about much needed life, and perhaps business will actually trickle down to the other surrounding neighbors.

So I think that really works well for everyone in the area.

Based on the presentation made by the applicants, the documents submitted and the arguments and suggestions presented by the members, I move that we grant the variance as requested.

MS. KRIEGER: The 20 feet.

MR. IBE: The 20 feet required is for the parking setback, is that correct?

MR. ANDRE: That's correct.

CHAIRPERSON GRONACHAN: It's been moved.

MS. KRIEGER: Second.

CHAIRPERSON GRONACHAN: And seconded. Is there any other discussion on this case?

(No audible responses.)
CHAIRPERSON GRONACHAN: Seeing none, Madam Secretary, will you please call the roll.

MS. RAMSAY: Member Ibe?
MR. IBE: Yes.

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

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

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

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

MS. RAMSAY: And Chair Gronachan?
CHAIRPERSON GRONACHAN: Yes.

MS. RAMSAY: Motion passes six to zero.

CHAIRPERSON GRONACHAN: Your variance has been granted. Congratulations, good luck to you and welcome to Novi.

MR. ANDRE: Thank you very much.

CHAIRPERSON GRONACHAN: Our next case is PZ15-0006, James M. Barnwell.

Is Mr. Barnwell here this evening? Come on down.
Do you need something to do your presentation? I saw you're carrying something?

MR. BARNWELL: I think we are all set. They are just here to assist if we need them.

CHAIRPERSON GRONACHAN: Mr. Barnwell, would you please state your name for the secretary then raise your right hand to be sworn in.

MR. BARNWELL: James Barnwell, B-a-r-n-w-e-l-l.

MS. KRIEGER: In Case No. PZ15-0006, do you swear to tell the truth in this case?

MR. BARNWELL: I do.

CHAIRPERSON GRONACHAN: You may proceed.

MR. BARNWELL: Again, Jim Barnwell, Design, Incorporated, 2183 Plus Drive. We are here tonight to talk about a proposed Taco Bell at the corner of Beck Road and Pontiac Trail.

It's being developed as a fast food restaurant, and we are going to be
requesting two variances, one for the loading
and unloading area. And the other one is for
a 6-foot obscuring wall.

The owners and developer who
owns approximately 100 Taco Bells in
southeast Michigan, also operates some in
Wisconsin and Indiana. So they are very
familiar with the operations of Taco Bell.

We have looked at this site.

It was a great site. It's part of the
Shoppes at The Trail, so it was an outlot.

And as such, a lot of the
utilities and storm water management was
prepared and incorporated into the Shoppes at
The Trail, so it made an ideal site to be
developed.

It also has ingress and egress
out to Beck Road, which is existing, on the
north side.

On the east side there is a
drive that goes across and basically serves
the rear of the main building there, and
moves through there. And none on the west
side, it's Beck Road. On the south there is
an existing commercial building, and the wall
facing, I think you should have pictures of that, is the rear of the building, is just service stores along that whole side.

I'm asking for the variance for the loading and unloading, we look at, you know, fast food typically has, you know, parking for the inside, you know, customers that are on one side, and then the drive-thru is on the other side.

With the stacking that's required of ten spaces, it's difficult to put a loading and unloading area in there. And the other thing is in the operation of the fast food, you have got people coming from both directions surrounding the building, it's impractical and logistically is conducive to any business to have loading and unloading during normal business hours.

So historically we have always restricted it to off hours so that they can pull up and load and unload, not interfere with any of the customer activities, the traffic coming in for the drive-thru. So we are looking at eliminating the unloading and loading, but restricting it to the, you know,
off hours. Typically we have about two
trucks that come in per week.

The added benefits to not
having another loading and unloading area, of
course, as mentioned earlier by the other
applicant, is that you're not adding more
impervious surface errors, so you do have
some green benefit to having less pavement
required.

As far as the obscuring wall,
as part of the ordinance, the obscuring wall,
the six foot obscuring wall is required for
fast food when it abuts, you know, the
different districts, except where it abuts a
road or freeway or a highway.

Well, this property is part of
the Shoppes at The Trail, it was part of
their overall plan to have a restaurant
there.

It's been designed to fit into
that development, and by putting the wall up
there, you know, it eliminates that focal
point that they intended to have on that lot.
The other thing is if you look at the
existing site, as part of that, a lot of
landscaping was already implemented around
the perimeter of this site, that basically
does -- will obscure quite a bit of this site
without eliminating it from the development.

So when we looked at the wall
we thought, well, why put up a barrier to
be -- when we were part and parcel of this
whole development, we are not creating a
barricade.

As you look on the four sides,
we will take the east, of course, as Beck
Road doesn't require the obscuring wall. But
as you read the ordinance, the north side,
which abuts the main driveway into the shops,
it isn't a road, technically by the
ordinance, but it is a main driveway, carries
a lot of heavy traffic. Then beyond that, is
parking lot.

So you're really obscuring,
you know, a driveway. Again, I think this
falls closer to a road than it does a
driveway.

In addition to that, as part
of our site plan, we try to integrate and tie
in the existing walkways in the Shoppes at
The Trail, so we've got a sidewalk proposed along that access to drive that will connect Beck Road into the internal walks.

So, you know, you hate to put a wall again and that interfered with sidewalk.

On the east side, you've got that main driveway that goes -- loops around the back, that's for mainly deliveries and things, there again, it's a main road and it abuts up to the building.

In that area, there is a significant amount of landscaping. We are supplementing that with additional landscaping. When you look across there, we have probably a tree every 15 to 17 feet. We feel that serves the purpose of obscuring the site, yet keeping it open and being integral to the Shoppes at The Trail.

On the south side, if you look at that, of course, I showed you the pictures, if you are obscuring it from the rear of the building that is just as the service doors, so there is really no one out there.
And the other issue, you have got along that side more prevalent than the other sides, is there is the water main easement of 20 feet. This is a water main through there.

There is some fiber optics, there is some cable, there is some other utilities that go along that.

Again, that side, if you look at the existing plantings along there, there is a fair amount of trees, will be supplementing that again, there will be probably again a tree every 15 feet, plus or minus.

Based on this site conditions being part of a -- you know, basically a larger development, we feel the obscuring wall isn't necessary, and on the south side in particular, we don't feel it's warranted because of the utilities there. They are the existing utilities, the existing landscaping that was put in there, so we are requesting the two variances, one for the loading and unloading, and the other for the obscuring wall. We felt that the plantings again are a
lot more esthetically pleasing than a block 
or masonry wall.

So appreciate your 
consideration.

CHAIRPERSON GRONACHAN: Thank you 
very much. Is there anyone in the audience 
that wishes to make a comment in regard to 
this case?

(No audible responses.)

CHAIRPERSON GRONACHAN: Seeing 
none, Madam Secretary, would you read the 
correspondence.

MS. KRIEGER: In Case No. 
PZ15-0006, 12 letters were mailed, two 
letters returned, no approval or rejection 
letters received.

CHAIRPERSON GRONACHAN: Thank 
you. Building department?

MR. WALSH: No comments at this 
time.

CHAIRPERSON GRONACHAN: Board 
members? Member Sanghvi.

MR. SANGHVI: First of all, if 
you have a site plan, can you put it on the 
screen for people to see.
Would you like in any way to show me where you are going to be located and where the drive-thru is.

MR. BARNWELL: You can see the building is there. Beck Road is on the west side. You can see Beck Road, and then the main driveway that goes into the Shoppes at The Trail are along the top. When you come in through the back, and the drive-thru is around the front, then moves back and goes out, as indicated, we have the drive-thru is on the front side, all -- you know, the customers that are going to park, come in would be on the east side.

MR. SANGHVI: Thank you.

Do you think you can do this any other way than you have just suggested?

MR. BARNWELL: No, I do not believe so.

MR. SANGHVI: Thank you.

CHAIRPERSON GRONACHAN: Thank you Member Sanghvi. Anyone else?

MS. KRIEGER: So they will be driving in and stacking, and then also egressing out and leaving the same drive?
MR. BARNWELL: Correct. Comes in at this -- be the northeast corner, they loop around. There is stacking for ten cars which is required by the ordinance. They will loop back out and exit out on that -- they can drive through the Shoppes at The Trail, there is another exit in the development. I don't know if this would show --

MS. KRIEGER: If you could point out where the wall would be as well. The 6-foot wall that you're --

MR. BARNWELL: There is the site, and you can see the inner play between our site, which is this way, and the Shoppes at The Trail.

As I said, this is the primary drive that goes into the site, and then to the west -- the east side of our drive, there is another drive that goes across the back.

The ordinance reads that the -- you know, the obscuring wall has to be on adjacent districts that are zone B3, which all surrounding this is B3. It doesn't have to be on the side where Beck Road is.

So by the ordinance you will
be putting up a wall along -- what I consider
a main drive or almost a road coming in here,
along this side, you can see the landscaping
that's currently existing --

MS. KRIEGER: You are asking for

a variance not to have --

MR. BARNWELL: Not to, yes.

MS. KRIEGER: Gotcha. Thank you.

MR. BARNWELL: We feel the

landscaping and the integrating it into the
rest of the development is crucial.

CHAIRPERSON GRONACHAN: Anything
else? Member Montville.

MR. MONTVILLE: Just real briefly
if you don't mind putting up that last slide.
You made a pretty good point on how this is
360 degrees around the perimeter. I was just
hoping you could spend a quick second

highlighting some of the new landscaping
that's going to be on the east side between
you and the Coney Island there that's on the
end of the strip mall. I know they have
windows on the side there that would be --

MR. BARNWELL: I apologize. This

was primarily to show the proposed
landscaping, but you can see like there is an existing tree here, tree here, that's existing, tree here. There is one, two, three, four, five, six, seven, eight -- eight trees existing in this area. And we will be adding one, two, three, four, five. So there will be 13 trees in that stretch.

MR. MONTVILLE: Thank you.

CHAIRPERSON GRONACHAN: Member Byrwa.

MR. BYRWA: I got a question on the size, the caliber of the trees that are going in. Do you happen to know what size?

MR. BARNWELL: I believe they have to be two and a half to three -- I wish I had better glasses and better eyes that I could read this.

MR. BYRWA: They are not something that is going to take ten or 15 years to mature.

MR. BARNWELL: A lot of the existing trees you can see them in that area. You know, we are adding six, but I think it said eight that are there currently. They're all four to six inches, a lot of those.
These are all proposed as two and a half.

MR. BYRWA: Thank you.

MR. BARNWELL: So I think you --
as being part of that development, they did
have the four site -- your planning
commission had four setbacks, when it was
developed that they planted all those
perimeter trees and you can probable see it
there. You can see the perimeter trees maybe
around that site, that are fairly
significant.

CHAIRPERSON GRONACHAN: Thank
you. Anything else Member Byrwa?

MR. BYRWA: No.

CHAIRPERSON GRONACHAN: Member
Ibe, do you have anything?

MR. IBE: Nothing, Madam Chair.

CHAIRPERSON GRONACHAN: I have a
couple of questions and one is to the
building department.

So I need your help, and brush
off with -- let's talk about the purpose of
the wall.

When they decide that this
wall has to be there, the wall serves a
purpose as noise reduction as well as --

MR. WALSH: Screening.

CHAIRPERSON GRONACHAN: Screening.

So when I look at this, I have

safety concerns if there were walls there.

So does anyone look at that

when they're -- I mean, it's part of the

ordinance, you just have to put a

screening -- you have to put the wall there

because of the way it's zoned, and thus

that's why he's here.

But if we have safety concerns

that would be part of our motion, correct?

If the wall did exist I could use that as --

MR. WALSH: Hang on one second.

The wall again serves as a

screening area. As far as the sound, I would

say that that also helps, but they're making

a case, they presented it to planning, that

the -- put that drawing back up there. It's

a little clearer. There is a shopping center

to the east, they are using that as their

screening wall and also the area to the

south. There is another building that

basically they are using that as their
screening wall and asking a variance for that
and planning has supported it.

CHAIRPERSON GRONACHAN: Thank
you. So that's basically what I wanted to
get on the record.

This area that you're -- where
you're planning on the putting this
restaurant, although I am concerned about the
drive-thru and the parking lot, but that's
not my jurisdiction, I do support your
request for not putting a wall there.

And for what Mr. Walsh just
indicated, this is a commercial section. To
your south is another strip mall, if I'm not
mistaken, in your picture, if you move that a
little bit, I think there is another strip
mall right behind you. So I agree with that,
that can serve as the buffer.

The building to the -- get my
bearings here, to the east, which is part of
the Shoppes at The Trail, also serves as your
buffer, and there is not something that the
wall is going to enhance this business
anymore.

I feel that the wall would
almost be not safe to put it in there, when
driving through there, when you're driving
in, I agree, it's more like a street than
coming through the parking lot.

When people are coming out of
your drive-thru, if there was a wall there,
it would make it very difficult for
visibility.

Especially with the parking
across the street, you could park across or
walk and go into the other shops. There is a
uniformity within this land, within this
layout that by putting a wall, I think you
would be alienating yourself from the rest of
the -- or give the vision of alienating
yourself from that.

So I will be -- I'm not going
to be long winded tonight, but I would be in
support of your request for those reasons.

Anyone else?

MR. BYRWA: If I could add to
that. I believe the wall gets absolutely
more critical when you get into more severe
incompatible zoning. If you had a
residential property abutting that, that
screening wall would be absolutely essential. But here we don't have any residential property, and I would be for eliminating it.

CHAIRPERSON GRONACHAN: So does that mean you are our motion maker tonight?

MR. BYRWA: I'm not prepared to give a motion.

CHAIRPERSON GRONACHAN: Is there anyone ready to make -- Member Krieger.

MS. KRIEGER: In Case No. PZ15-0006, James M. Barnwell, for 31172 Beck Road, I move to grant the request for the variance from the loading zone and regarding the wall.

And the petitioner sought by -- the petitioner established this through his discussion because it's a practical difficulty relating to the property that it was unique, because these areas, there are two buildings already, as we have discussed, that act as buffers that the wall would have been necessary in another area. So in a sense it would be detrimental to this site.

That the property is unique, that the physical condition of the property
creates a need for the variance because of its location, Beck, it has a curve, it's unique shaped and topography of this area.

That strict compliance with dimensional regulations of the zoning, that if they did put up a wall it would be more detrimental in the loading area, like he had stated about the trucks would come -- off hours during the week, that the landscaping and greenery and trees that are already there will take care of the site.

That it will be unreasonably burdensome to comply with the regulation. If not, and petitioner's request is the minimum variance necessary because a lesser variance would not -- it wouldn't have the space for that.

The requested variance will not cause adverse impact on surrounding properties. It was intended to have a restaurant in that area.

The property values are -- and enjoyment of property in the neighborhood and zoning district because Taco Bell is very popular.
The variance granted is --
that's it.

CHAIRPERSON GRONACHAN: It's
moved and seconded -- do we have a second?

MR. SANGHVI: Second.

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

I would like to add a friendly
amendment if I could.

I would just like to state
that the uniqueness, when you talked about
the strict compliance, that the uniqueness of
the lot, because of the water main and the
existing utilities on the lot constrict this
as well.

MS. KRIEGER: Agreed.

CHAIRPERSON GRONACHAN: Would you
go ahead and please call the roll.

MS. RAMSAY: Member Ibe?

MR. IBE: Yes.

MS. RAMSAY: Member Krieger?

MS. KRIEGER: Yes.

MS. RAMSAY: Member Sanghvi?

MR. SANGHVI: Yes.
MS. RAMSAY: Member Byrwa?
MR. BYRWA: Yes.
MS. RAMSAY: Member Montville?
MR. MONTVILLE: Yes.
MS. RAMSAY: And Chair Gronachan?
CHAIRPERSON GRONACHAN: Yes.
MS. RAMSAY: Motion passes six to zero.
CHAIRPERSON GRONACHAN: Your variance has been granted. You can see the building department. Congratulations.

Our next case is PZ15-0008, Kal Mansour with Sign Emporium on behalf of Aqua Tots at 44225 Twelve Mile Road, Unit C105.

Good evening.
MR. TOMINA: Good evening.
CHAIRPERSON GRONACHAN: Both of you are going to be giving testimony this evening?
MR. TOMINA: Well, I'm the owner of the school. Kal is our sign provider, so I thought I'd come in and meet you guys and say hello and introduce you to our concept.
CHAIRPERSON GRONACHAN: Before
you get started, I'm the only one that gets
to break procedure tonight.

Would you please state your
name and spell it for the secretary and both
be sworn in.

MR. TOMINA: Sure. I'm Brian
Tomina, T-o-m-i-n-a.

MR. MANSOUR: Kal Mansour,
M-a-n-s-o-u-r, is the last name.

MS. KRIEGER: In Case No.
PZ15-0008, do you both swear to tell the
truth in this case?

MR. MANSOUR: Yes.
MR. TOMINA: Yes.

CHAIRPERSON GRONACHAN: You may
proceed.

MR. TOMINA: Thanks for your time
tonight. Aqua Tots is a family business that
I started with my family locally in Novi. We
have got 50 stores around the country. We
are a franchisee of a company out of Arizona.

What we provide are swim
lessons and swim safety instruction to
children from the ages of six months old to
really up until adults.
Our location is in the Fountain Walk. I'm sure everybody is familiar with Fountain Walk. We are next to the Buddy's Pizza, which is along Twelve Mile Road there, and there is a road that runs back where those hotels are, but I'm not sure of --

MR. SANGHVI: Cabaret Drive.

MR. TOMINA: Exactly. Thank you.

So the existing location there is -- we are open and we really were expecting to do a lot better.

Our existing signage that we have now -- this is what we are looking for.

CHAIRPERSON GRONACHAN: Can you rotate that.

MR. TOMINA: So that is our national branding. Our franchisor requires all of our stores to have our -- obviously our name with the swim school, then our national branding which is "safety first, fun every second."

So every store in the country has to either get that initially or go before the Zoning Board to get a variance. That's
what we are doing here today.

    The reason we are here is not
only because of our conflict with our
franchisor, but because of our location. We
are in probably the worst location in the
Fountain Walk. We were very hesitant to take
that location. We actually wanted to stay --
we actually prevented ourselves from coming
to the city a few years back when we opened
our first location in Troy because we found a
location that was more feasible and we
thought was a better location for us.

    After we opened up our store
in Troy, we did very well with our signage
there, we got all the signage we were looking
for. We decided to come in that spot and we
thought it wouldn't be an issue with the
signage.

    Well, it's obviously become an
issue, so that's why we are here tonight.
Our franchisors are on us, our landlord is
completely on board with it. And we just are
not hitting the numbers that we would like to
hit as far as our store, and most of the
reason is because from what we hear from our
the parents is we just don't know where you are.

Most people are not familiar with that side of Fountain Walk. Everybody is familiar with the side where there is the Black Rock, the side with the theater, Emagine, the side that faces 696.

The side that faces our section is very less traveled, especially the back area. You know, people know Dick's and they know the Chuck E. Cheese, and the racing place, but the back side gets very little very traction.

So we are here to say if you guys can help, you know, we are intending to be in the city a very long time. We are providing lifesaving instruction to the kids. There is nothing like us in the city, and we just need -- we need your help to help us succeed.

CHAIRPERSON GRONACHAN: Anything else?

MR. TOMINA: That would be it.

CHAIRPERSON GRONACHAN: Is there anyone in the audience that wishes to make
CHAIRPERSON GRONACHAN: Seeing none, Madam Secretary, will you tell us about the correspondence.

MS. KRIEGER: PZ15-0008, 26 letters were mailed, two letters returned, no approval or rejection letters were received.

CHAIRPERSON GRONACHAN: Thank you. Building Department?

MR. WALSH: No comments at this time.

CHAIRPERSON GRONACHAN: Thank you. Board members?

MR. SANGHVI: Thank you, Madam Chair. I was there this afternoon to look at the store front.

MR. TOMINA: Did you like it?

MR. BYRWA: It looks quite tastefully done. And that canopy is not really (inaudible) or anything like that.

To be quite honest, I have no problem with your request. Thank you.

MR. TOMINA: Thank you.

CHAIRPERSON GRONACHAN: Member
Montville?

MR. MONTVILLE: How far out from the building would the awning extend?

MR. TOMINA: Oh, the awning exists. The only variance that we are looking for right now -- the awning is already approved and up. The only variance we are looking for right now is the actual language, which says, "safety first, fun every second." Other than that, the awning is up, everything else is up. So the awning -- Kal, you can probably --

MR. MANSOUR: The existing awning that is there now has a life preserver on it which is also an issue.

The preserver, the logo that's on there right now, that's also an issue.

So we are here for both of those issues, for the life preserver and the national slogan that they are requesting to add to the existing signage.

I do want to point out one thing. He is in a unit, if you look at the two walls that are there, it's set back a little bit, so there is a real hardship there
as far as identification of that particular location.

MR. MONTVILLE: Would window graphics be an options, would your franchisor allow that or --

MR. TOMINA: You know what, we do it. But the problem with that school is, we put all those windows, they were non-existent. When we opened the store, we put those windows in.

The problem with that is we built our pool sort of along those windows, and when we are teaching instruction when the sun set to the west, in the summertime, which is our busiest time of the year, it just pierces right through those windows and it goes right into our pool room and our instructors are looking at the children who sit along a bench and it sort of blinds them, so we see it as a safety hazard to be able to put any window clings on, so we tinted those windows as dark as possible so that that sun doesn't do that.

So any window clings really won't do anything else, if we put them from
the outside. We just believe that it would be tackier and really wouldn't look as nice as this.

So we are willing to say we won't put up any window clings, you know.

MR. MONTVILLE: Thank you for that the clarification.

CHAIRPERSON GRONACHAN: Anyone else? Member Ibe?

MR. IBE: Do you have an existing sign right now before this one?

MR. TOMINA: Yes.

MR. IBE: What does it look like?

MR. TOMINA: It looks like that.

MR. IBE: Exactly this way?

MR. TOMINA: It's a little different. Actually our one in Troy has that on the back side of the building along I-75.

MR. IBE: You don't have a picture of what it looked like before?

MR. TOMINA: I do not. I'm sorry.

MR. IBE: It's kind of hard to tell what you had before and what you are asking for because I don't know what you had
before.

I don't know what to compare it, other than what you are showing me here.

MR. TOMINA: Like I said, all across the country it just depends on what the city allows.

And we find that the city is allowing it based on the use and the fact that -- you know, a lot of our spaces do have the situation where our corporate -- our franchisor recommends taking spots that are sort of non-regular for our use, and you need to find spots like that in order to be able to actually get the pool in the space. So we are finding that more often than not, we are taking spaces that are less visible and the cities are allowing us.

MR. IBE: So what would you say is your practical difficulty, if this is not granted?

MR. TOMINA: I'm sorry?

MR. IBE: What is the practical difficulty that warrants --

MR. TOMINA: The practical difficulty is that most people really do not
know where we are.

We think that having more signage for the people that do drive behind us and actually do drive and see us, will help identify our location as a swim facility, including the buoy and the national language.

We don't think it's going to impact the surrounding community, as behind us, there is very few homes that can actually see us, if any, and there is just a hotel that looks at the Fountain Walk. So there is no homes and no outside families that will be effected by it.

The buildings surrounding us, in terms of like Buddy's, Buddy's has -- I think their signage is beautiful, I think they did a great job, they have ten signs on their building. We just -- we have one, we have one on the awning.

MR. IBE: Would you agree that Buddy's is a much bigger space than you do?

MR. TOMINA: Buddy's is the same size as us.

MR. IBE: Same size?
MR. TOMINA: Well, we are 500 feet square feet less than their store. They have 8,000, we have 7,500.

MR. IBE: But Buddy's has what, two fronts?

MR. TOMINA: Buddy's has a corner spot. But Buddy's also has Twelve Mile traffic that you can see Buddy's from. Ours we do not have that, unless you're going perhaps east. But the problem is the building is indented and it's difficult to see our sign even going east on Twelve Mile.

MR. IBE: I tell you to this, I like your sign, it looks quite beautiful.

MR. TOMINA: Thank you. I appreciate that.

MR. IBE: But I do have a problem, the problem is, I don't have anything to compare it to. I wish you brought what was there before you are entitled to one wall sign, which you have already.

MR. TOMINA: You mean what's existing at my location now?

MR. IBE: That's correct.
MR. TOMINA: Oh, Kal has that. I'm sorry. I didn't know that was what you meant. My apologies.

MR. MANSOUR: The facade is completely done now.

MR. TOMINA: You will see the facade is yellow and we have the life preserver, which is really blocked by that tree in essence. But you can see it from angles.

MR. IBE: Can you put up the new one now.

MR. TOMINA: Sure.

MR. IBE: What happened to those trees?

MR. TOMINA: It's photo shopped so you can actually see the -- what it would like, however the tree is still there. If you like, I could drop it off for you.

MR. IBE: So will the tree be a problem? I mean --

MR. TOMINA: The tree, I don't know, will the tree grow. I think they're mature trees. But, you know, they're really not an issue. As far as you can see it from
both sides of the parking lot. Can you see it if you look at it dead ahead, perhaps they are in the way. I hope that's what you were looking for.

MR. IBE: Well, yeah, I think you have done -- I must say the sign looks quite beautiful compared to what was there before.

MR. TOMINA: I would love for you guys to see our facility. I mean, we put a lot of money into it, we take a lot of pride in it. You know, we are just hoping that we can stay and we want to really do good here in the city.

CHAIRPERSON GRONACHAN: I agree with you, with the petitioner, in that when you are driving down that street past Buddy's, are coming into Fountain Walk, and then you can turn right, then make a left. Your building actually sets in about -- I don't know, I'm not good at measurements -- probably four or five feet.

MR. TOMINA: At least.

CHAIRPERSON GRONACHAN: So you don't know that you are there until you're there.
MR. TOMINA: Correct.

CHAIRPERSON GRONACHAN: So I agree with you on that.

I also agree that I think something has to be done to the front to bring it out a little bit, but I don't know that the life preserver is the answer.

MS. KRIEGER: I think it's essential.

CHAIRPERSON GRONACHAN: I don't think that the life preserver is the answer. I don't know that the life preserver is going to save you at this point.

I don't have a problem with the safety first and fun every second. I don't have a problem with the wording.

Again, the reason why I don't have a problem with it is because of the way that building is setback and it brings it out. I.

Do have a problem with the life preserver because like Member Ibe was asking about the trees, I think the trees do block it. I don't think that you're -- I don't think it's going to enhance what you're
trying to set out to do.

I do agree that there is a problem in that particular parking lot. But I don't know that making a bigger, better sign is really going to help.

I don't know if advertising, that's not our jurisdiction.

Our jurisdiction, when we look at a sign variance is to see what the minimum request will do to help the petitioner and that business.

I have driven around there quite a bit. And I looked at the different angles and I, in all honesty, do not agree, for the life preserver. I don't see it. I can support the words because as you're coming around, I can see where that would help you from a distance, the coloring and the lettering would help identify.

Other than that I think it's pretty bland. I don't think that life preserver is going to be beneficial. That's why I would like to see that part removed.

MR. TOMINA: You know, being new to the metro Detroit region and trying to
expand as we are, that life preserver, if you see it's in our -- it's sort of our "O" it's kind part of the trademark as well. I think that what it does, it helps us in terms of branding recognition. So if you see that life preserver, I think what we are trying to get is say, even though you might be going down Twelve Mile quickly, or you might be passing by, you don't see our sign until you actually see it, perhaps you have seen our other sign and it's that life preserver sticks out to you and it just brands it in your mind.

CHAIRPERSON GRONACHAN: Again, I agree with that, but I think the top part is what they're going to see. I don't see that they are going to see the preserver. At least that's my opinion, after doing my due diligence.

And just so I could let my other board members know, I am in support of the lettering on this awning, and that's unusual for me, but I cannot support the life preserver down below that. For the reasons that I so stated, I really think that the
trees are going to block it, and defer the
identification where his identification needs
to be higher up because of the setting in
back of the building.

Anyone else have anything to
offer? Member Krieger.

MS. KRIEGER: I drove by today,
the Aqua Tots, I saw that. It is
proportionate with the sign there, all that
yellow, that it would be nice to have -- I
guess, if it's the franchise is telling you,
this is what we write there, that's something
you would probably have to comply with and
would draw attention to it.

The awning, I'm sorry, I did
not see it. I guess if you were driving up
closer, I was on Cabaret, that if somebody
drove by, that they would see the life
preserver and then they would probably see
the second -- and Aqua Tots, I actually
didn't, I just read it and I didn't think of
the -- what do you call, drive it, the life
preserver right away, so of course, my
co-workers taught me very well, you could
interpret that any which way you wanted to,
and people might not understand what it is.

So I would say that the life preserver is actually important to further define what this is. Then you see the swim school, as you drive way, you're paying more attention. Of course, it's difficult because you can't see any of it unless you're driving.

I guess if you are going to Emagine theater and you drive by, you're looking, you're like, oh, there is a swim area, it would draw your attention in more. So I would actually be in support of the whole thing.

CHAIRPERSON GRONACHAN: Okay.

Anyone else?

MR. BYRWA: I was wondering, what is the clearance from the bottom of the sign to the bottom of the door?

MR. TOMINA: The bottom of where it says swim school?

MR. BYRWA: Actually --

MR. TOMINA: The bottom of where it says safety first?

MR. BYRWA: Well, no, I'm trying
to figure out the walking clearance there if
you're ingressing and egressing the building.
What is the clearance that --

CHAIRPERSON GRONACHAN: From the

bottom of the sign?

MR. TOMINA: From the existing

sign that's there, sir, the one with the life

preserver, is that what you are referring to?

MR. BYRWA: Right.

MR. TOMINA: It's nine feet,
eight inches.

THE BOARD: Then the life

preserver isn't hanging underneath?

MR. TOMINA: No, sir. It's just

a graphic, it's a vinyl graphic which can be

removed.

THE BOARD: That's going to go

above the canopy then?

MR. TOMINA: Yes, sir. I do want
to add one thing. The life preserver is a

trademark identification of what they provide

in there.

It is -- if you go on the

website, you will notice, even in Michigan or

anywhere in the US, wherever they are open,
you will notice that that life preserver is a very vocal point of their industry.

CHAIRPERSON GRONACHAN: Member Ibe?

MR. IBE: Yes, Madam Chair, thanks very much.

I was actually going to concur with what you said. It was pretty much one of the things I was looking for. I mean, the sign looks beautiful. When I said beautiful, I don't mean the life preserver.

Frankly, I don't even know what a life preserver is because I'm not a swimmer, and I don't have any little kids who need to learn how to swim.

But the bright yellow sign, I'm not an expert in signs, but I can tell you what I'm an expert in is what looks good. The life preserver looks tacky, if you ask me.

Now, it's between you and who you do business with. But certainly what look beautiful is the beautiful red, beautiful bright yellow, and the words on it, fun every second, that's what I remember. If
you want to remember your business, I think they are looking for the -- they are going to see the yellow sign first, chances are, I'm going to see the big, bright yellow and then the big letters on it, and I'm excited where I'm going.

Now, if your goal is -- the purpose of why you need this sign, you claim practical difficulty and all that stuff, is being detracted away by the argument you are not making about this tiny little portion (unintelligible).

Now, if the main reason you (unintelligible) about the life preserve, I will vote no, absolutely because that just doesn't really help your case.

But it doesn't stop you from operating your business, if that's the case. You want people to know where you are. I don't think that tagging on (unintelligible) is not going to make anyone feel that.

I am with Madam Chair on this issue. I will vote yes as long as the life preserver stuff is not there. I like the way the sign looks without it. I think that
makes -- if you ask me, more meaningful

sense.

Like I said, I'm not an expert

in signs, but I definitely know what looks
good.

CHAIRPERSON GRONACHAN: Thank

you, Member Ibe.

I have a question in regards
to that life preserver. I am not a sign
expert, never claimed to be in all the years
that I have served on this board. Even
though I try to learn.

Is there any way that life
preserver, if it's a part of the --

MR. TOMINA: Branding.

CHAIRPERSON GRONACHAN: Branding,
thank you. And put it onto where -- right
after second, and get rid of that little
blue --

MR. TOMINA: I guess I would have
to defer to Kal. Can we do something up
there?

MR. MANSOUR: Sure.

MR. TOMINA: Right after where it

says fun every second.
MR. MANSOUR: Again, that's up to the corporate people, if they allow that.

MR. TOMINA: I think they would allow. I don't think that would be an issue. I don't think that would look as good. I will be willing to do that if the city would allow me to do that.

CHAIRPERSON GRONACHAN: Here is my suggestion.

My suggestion is that because we do have some other cases. My suggestion is that you -- I'm going to table this until the next -- until after the next case, give you guys sometime to think about it and come back --

MR. TOMINA: If we wanted to voluntarily remove that, would you guys be willing to vote on it?

CHAIRPERSON GRONACHAN: Yes. I think we are leaving -- you know which way the board is leaning and I want to move along.

MR. TOMINA: If we needed to, I don't think it would be a problem to put it as a decal in one window sign. I don't think
we will, but I will --

CHAIRPERSON GRONACHAN: As long

as it is not in any other violation.

MR. TOMINA: No problem. We are

willing to remove it.

CHAIRPERSON GRONACHAN: Do we

have a motion? I'm sorry, Member Krieger has

got another question.

MS. KRIEGER: The landlord you

said, there was an approval of that. Do you

have that? I don't remember seeing that in

the packet.

MR. TOMINA: I just have a verbal

approval.

MS. KRIEGER: Can you get one for

the city?

MR. TOMINA: When you folks make

a motion on it, if you decide, we will have

to follow the procedures following, including

the permits, and we will need a landlord

approval sheet to give to the city along with

our application.

MS. KRIEGER: Thank you.

CHAIRPERSON GRONACHAN: That's

fine. Do we have a motion?
MR. IBE: Madam Chair, I will take it.

In Case No. PZ15-0008, Kal Mansour Signs Emporium on behalf of Aqua Tots, I move that we grant the request made by the petitioner, that the request being granted will be based on the petitioner's own voluntary participation has agreed to remove the portion with the life preserver sign, is that correct?

MR. TOMINA: Correct.

MR. IBE: Having said that, I move that we grant it because of the fact that the petitioner has shown practical difficulty in requesting the variance.

And the petitioner's own testimony is that the property is located in a very difficult corner, right there next to Buddy's Pizza and that the roads that are bordered is Cabaret and Twelve Mile on the other side, and this is a shopping center with a huge parking between Cabaret and the petitioner's place of business. And this area gets less traffic than most places in Fountain Walk, and the petitioner's customers
or potential customers have a hard time locating this place of business.

   As a result, the petitioner requires more visibility in order to allow it to meet the goals set by the petitioner.

   Without a variance, petitioner will be unreasonably prevented or limited with respect to the use of this property. This is a place that teaches swimming to young lads between six months to adults and as a parent, I can understand if you bring in a young person there, you are distracted in the car and you are looking for where you're going, the last thing you want is safety issues. And having a visible sign allows the parents to know exactly where they're going.

   So this variance helps the petitioner and also helps the petitioner in meeting what the franchise requires to make it more consistent with other locations that they have around this state or around the country.

   The property itself is unique as stated before because of the strategic location where it is at Fountain Walk, in a
sense that it is tucked in and Buddy's Pizza have elaborate signs that actually detracts from where the petitioner is currently located, so any help that the petitioner can get will definitely improve the outlook for the business.

Petitioner obviously did not create a condition. The property that the petitioner is renting from was constructed the way it was. In order for any business to have more visibility in this area, based on where it's located, it almost needs to have a sign that is consistent with what you have and it's not different from what Buddy's has, to be honest, because Buddy's has quite an elaborate sign that you can see all the way from Twelve Mile. But where the petitioner is located makes it far more difficult for that visibility, and thus they did not create this condition. It is part of what the property and the landscaping provides itself.

The relief granted will not unreasonably interfere with adjacent or surrounding properties. Obviously I don't know of any objections that have made by
other business around the area. I don't see Buddy's having made any objection either have Emagine Theater, anyone else in the area, so apparently because of the fact that this is a shopping district, and a business district, having a place where you have more traffic will also benefit surrounding property owners. Therefore, based on the presentation made by the petitioner, meaning the owner of this business, as well as the sign expert here, and the comments made by the board members, I move that we grant the petition as requested minus the life preserver sign.

CHAIRPERSON GRONACHAN: Is there a second?

MR. SANGHVI: Second.

CHAIRPERSON GRONACHAN: It's been moved and seconded. Is there any discussion based on the motion?

(No audible responses.)

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

MS. RAMSAY: Member Ibe?

MR. IBE: Yes.
MS. RAMSAY: Member Krieger?

MS. KRIEGER: Yes.

MS. RAMSAY: Member Sanghvi?

MR. SANGHVI: Yes.

MS. RAMSAY: Member Byrwa?

MR. BYRWA: Yes.

MS. RAMSAY: Member Montville?

MR. MONTVILLE: Yes.

MS. RAMSAY: Chair Gronachan?

CHAIRPERSON GRONACHAN: Yes.

MS. RAMSAY: Motion passes six to zero.

CHAIRPERSON GRONACHAN:

Congratulations, your variance has been granted.

MR. TOMINA: Thank you. Have a great night.

CHAIRPERSON GRONACHAN: Our next case is PZ15-0009, Richard Curtis at 1320 West Lake Drive.

Is the petitioner here?

Come on down.

The application is requesting variances to allow construction of the new one story addition on an existing
non-conforming parcel and is requesting this evening two variances.

You are?

MR. CURTIS: Richard Curtis, last name C-u-r-t-i-s.

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

MS. KRIEGER: In Case No. PZ15-0009, for Richard Curtis on 1320 West Lake Drive, do you swear or affirm to tell the truth in this case?

MR. CURTIS: Yes.

CHAIRPERSON GRONACHAN: You may proceed.

MR. CURTIS: I'm looking to do a small addition. It's going to create foyer and a small bedroom. It's going to allow me to move the front door out of the kitchen and dining room. And that's right here.

CHAIRPERSON GRONACHAN:

Mr. Curtis, can you move the mike a little more over so they can hear you at home as well.

MR. CURTIS: So I'm just trying
to create this small -- an area so I can get
rid of the door out of the kitchen and dining
room.

And -- that there is the
addition of the existing property.

I did so so that the existing
property is 19 and a half feet from the
property line and so because the house is not
parallel to the street, I only went ten by 18
and it will do the exact same thing, the most
protruding corner would be exactly the same
as the existing 19 and a half feet.

I know it's supposed to be
30 feet, but this is an old neighborhood and
this is what I have.

The other variance, I'm
looking for 3.1 feet at the rear yard because
I'm connecting with the existing structures
and that's what I have, 3.1 feet to the rear
yard.

So I'm just adding this extra
room to create -- move the front door and
create a closet and create an extra room, and
that's what I'm asking for, make our house a
little more comfortable.
CHAIRPERSON GRONACHAN: Thank you. Is there anyone in the audience that has any comment in regards to this matter?

(No audible responses.)

CHAIRPERSON GRONACHAN: Seeing none, correspondence?

MS. KRIEGER: Yes. We have 27 letters mailed for PZ5-0009, zero letters returned, two approval letters received, zero objection letters received.

And the first approval is "I have spoken to Mr. Curtis about his project and give him my full support. Please approve his ZBA request as written", from Brian Kozian on 1251 West Lake.

And the second one is also an approval "absolutely, yes, let him build, he's trying to make his family more comfortable, what's wrong with that", that's from Dan Diantoniis, I hope I said that right, D-i-a-n-t-o-n-i-i-s, 117 Rexler. That's it.

CHAIRPERSON GRONACHAN: Building department?

MR. WALSH: The comments I have
is that the applicant has done a really good
job maintaining the existing non-conforming
yard at 19 and a half feet. The existing
house is at 3.1 feet, non-conforming to the
rear yard, however, his addition of new
living area, is approximately 14 and a half
feet from the rear yard.

So the variances to the
existing 3.1, but I just wanted to point out
the addition is 14 and a half feet from the
rear yard lot line.

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

MR. SANGHVI: Thank you, Madam Chair. I know your area very well. I have
been there umpteen times, and I saw it two or
three days ago where you are located.

Every lot in that area, you
need to do anything, requires a variance.
These lots were designed a long, long time
ago. Ordinances have changed since, and I
understand your comment and the need for the
variances. And I have no hesitation in
supporting your variance request. Thank you.

CHAIRPERSON GRONACHAN: Anyone
else?

I don't know how you did it, quite frankly. Every time we go here, it's like, oh, yeah, I know that corner, I spend a lot of time there being a member of the ZBA. I commend you for your minimum request. I think that you -- anyone that's up in that area that we have visited so many times do their due diligence and you meet the spirit of the ordinance, and if there was something that we could do about those lot sizes, I'm sure we could help you out.

I'm in full support and I have no other questions.

Anyone else? Is there a motion?

Go ahead, Member Montville.

MR. MONTVILLE: In Case PZ15-0009, applicant, Richard Curtis, 1320 West Lake Drive -- bear with me, I apologize. I move that we grant the variance sought by the applicant. The petitioner has shown beyond reasonable cause that with the current outlying -- the way the lot is set up it is creating difficult
conditions and he has met the minimum
requirements that he can with his variance
application.

As you mentioned, the need for
the variance is not self-created due to the
previous outline of the lot. He's requested
the minimum variance necessary.

And the request will not
create a negative impact on his neighbors
shown by the two approvals that were
submitted with all outgoing correspondence
and incoming correspondence that came back as
well.

I move that we grant the
variance as applied for.

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

MR. BYRWA: I'll second it.

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

(No audible responses.)

CHAIRPERSON GRONACHAN: Seeing
none, Ms. Ramsay, would you please call the
roll.
MS. RAMSAY: Member Ibe?

MR. IBE: Yes.

MS. RAMSAY: Member Krieger?

MS. KRIEGER: Yes.

MS. RAMSAY: Member Sanghvi?

MS. KRIEGER: Yes.

MS. RAMSAY: Member Byrwa?

MR. BYRWA: Yes.

MS. RAMSAY: Member Montville?

MR. MONTVILLE: Yes.

MS. RAMSAY: And Chair Gronachan?

CHAIRPERSON GRONACHAN: Yes.

MS. RAMSAY: Motion passes six to zero.

CHAIRPERSON GRONACHAN:

Congratulations, your variance has been granted. Good luck to you. I think you go see the building department now.

MR. CURTIS: Thank you so much.

CHAIRPERSON GRONACHAN: Good luck.

Case No. PZ15-0010, Pete Stanaj. This applicant is requesting a variance to allow construction of a new single home on an existing vacant parcel.
Is the petitioner here?

MR. STANAJ: Yes.

CHAIRPERSON GRONACHAN: Both of you are giving testimony tonight?

MR. STANAJ: Yes.

CHAIRPERSON GRONACHAN: Would you please both state your name for our recording secretary and raise your right hand and be sworn in by our secretary.

MR. STANAJ: My name is Peter Stanaj, S-t-a-n-a-j. I'm the owner of the property.

MS. MICHALSKI-WALLACE: My name is Ginger Michalski-Wallace with Alpine Engineering, M-i-c-h-a-l-s-k-i dash W-a-l-l-a-c-e.

MS. KRIEGER: In Case No. PZ15-0010, for Peter Stanaj, do you both swear or affirm to tell the truth in this case?

MR. STANAJ: I do.

MS. MICHALSKI-WALLACE: I do.

This is a very interesting lot. It is on Nine Mile Road just east of Napier Road. The lot is only 115.5 feet by
115.5 and that does include the existing 33-foot right-of-way in that 115.5 feet.

It is surrounded by a subdivision, Park Place subdivision, and the right-of-way abutting our property on both sides is 43 feet.

We are requesting a front yard variance of 19 feet and a rear yard variance of 24 feet.

Currently, this line here is the rear setback and this line here is the front setback. So the lot currently has zero buildable area due to the front and the rear setbacks.

What we are proposing is to have a buildable area of 30 feet in depth. We do not have any issues with sideyard setbacks.

CHAIRPERSON GRONACHAN: Anything else?

MS. MICHALSKI-WALLACE: Not at this time.

CHAIRPERSON GRONACHAN: Thank you. Is there anyone in the audience that has comments in this case?
Would you please step down.

Are you all together or are you individual?

MR. EWING: We are individual.

CHAIRPERSON GRONACHAN: Please just state your name and spell it and give your address for our recording secretary.

MR. EWING: Attorney Mike Ewing, it's E-w-i-n-g. My address is 22350 Waterland Drive, it's in Northville.

I have listened to the presentation. I have the house that's immediately adjacent to the proposed lot. And I don't know if the board can see this, but I got this from Mr. Walsh.

So the proposed variance is the black square. I have the house just kind of to the bottom. I bought that house in 2009 with the express belief and understanding that no one could ever build on that proposed lot that's .3 acres. I understand that the applicant purchased that property we are talking about in 1988. And that development was a 100-acre farm and each lot was one acre and those homes that you see
on either side are somewhere near 4,000 square feet. And that picture is the best I have, but the corner of the house, that my bedroom window faces is probably 20 feet from his proposed variance. And you drive into this subdivision, ladies and gentlemen, you drive in on Waterland Drive and all the homes face Waterland Drive. The way I understand this proposal, as you drive in, we will be looking at the back of the house that's somewhere maybe 1,000 square feet, as far as I can tell, I don't know, there is no building plan that I have seen.

So it's strictly out of unity and continuity with the rest of the homes in that subdivision.

I have heard consistency, uniformity that that's not the proper lot to build any kind of structure that would be in continuity with the rest of the homes in that subdivision.

So I want to make clear that my rear window in the bedroom area is 20 feet from what he proposes. He wants -- as I understand he wants a 26-foot variance from
the front yard and the backyard.

When we drive in, we would face -- we would see the back of the house.

So for those reasons, I absolutely object to this variance.

If you have any questions.

I also note for the record, I have looked at 3.11, which is a residential acreage, it says ordinance, "the residential acreage district is intended to provide areas within the community for particular living environment characterized by a lot, low density single family dwelling".

Under E of that subsection, 31.11, we see a minimum lot area, one acre, minimum lot width, 150 feet with a requirement that the coverage be 25 percent. Well, anything we build is going to be 25 percent, I presume. I absolutely object for those reasons.

CHAIRPERSON GRONACHAN: Thank you.

MR. EWING: Thank you.

MR. MILLIGAN: My name is Mike Milligan. I live at 22330 Waterland,
and I also object to this proposed variance.

I feel that as we come down our street, we have this -- I don't know what's going to be there because we really don't know. We have beautiful acre lots. It's wonderful. We came out here ten years ago to live in a scenario like that and what's proposed there is just what I feel would just destroy the area and my property values.

I'm opposed to this variance, 100,000 percent.

CHAIRPERSON GRONACHAN: Thank you very much.

Next, please.

MR. LONG: My name is Derek Long. I live at 22315 Waterland Drive, which is just on the side from the property that's proposed to have the variances.

Just was sitting here listening to you guys, how you guys listen to everybody how they want to get different things.

You guys don't want to make it detrimental to other people. You don't want
to approve things that are going to make the property values go down.

    If you approve this, it would definitely decrease our property values, that's why I'm 100 percent against it.

CHAIRPERSON GRONACHAN: Thank you. Next.

MR. GUTHRIE: Michael Guthrie. I reside at 22335 Waterland, this house right here. I'm actually an architect. This is in my field of expertise.

    I object to it, not necessarily just because of the property values, but because for the City of Novi, it compromises the integrity of what the residential acreage zoning is.

    In fact, looking at the ordinance requirements, it not only doesn't meet RA, it doesn't meet R1 or it wouldn't even meet R4, if you took in the proposed right-of-way of what it should be.

    It would be within the 25 percent footprint, however, it would be way over compromising the .8 unit per acre requirement.
In fact, what it would do is compromise the integrity of all three properties. It would then bring all those into non-conforming use for those requirements. So for those reasons -- I'm happy to answer any other questions. I strongly oppose the variance.

CHAIRPERSON GRONACHAN: Thank you.

Is there anyone else in the audience that has any comments in regard to this case?

(No audible responses.)

CHAIRPERSON GRONACHAN: Seeing none, building department?

MR. WALSH: The only comment I would have is that I would probably recommend some type of floor plans and elevations to see if it's compatible with the neighborhood. Without seeing those, there may be an additional variance. The footprint proposes only 1,800 square feet, (unintelligible) 25 percent lot coverage.

However, to build a compatible home to meet the neighborhoods, it may
require some sideyard variances, based on the
layout.

CHAIRPERSON GRONACHAN: You're a
mind reader. Thank you.

Petitioners, before I turn
this over to the board -- I'm sorry.

Correspondence.

MS. KRIEGER: In Case No.
PZ15-0010, nine letters were mailed, one
letter returned, no approval or objection
letters received.

CHAIRPERSON GRONACHAN: Okay.

Petitioners, before we turn this over to the
board, do you have plans of what is going to
actually be built on this property at this
time?

MR. STANAJ: No, I don't have no
drawings. But I was looking out -- think of
having a house there. So I'd like to build
it as large as possible as I can for that
lot.

CHAIRPERSON GRONACHAN: Hold that
thought. I have a question for the city
attorney.

At this time, because we don't
have any plans, do we still have to go
to through the normal procedures or can we table
this until they get plans so we can look at
the property --

MS. SAARELA: You can table it.
If you think that plans are going to help you
decide whether this is compatible with the
surrounding areas, and consistent with the
intent of the ordinance, if they get -- that
intent helps you in your determination, sure.

CHAIRPERSON GRONACHAN: Okay. My
concern is that we don't have enough
information before this board to make a
qualified judgment, and we would like to see
exactly what is going to be on that property
before we grant variances because as
Mr. Walsh mentioned earlier, we -- once you
put a building there, you may need additional
variances to fit the building due to the
uniqueness of this lot size.

So my suggestion would be that
I think you are just a tad premature to be
coming here to try to get variance for
something that we don't know what we are
going to approve it for. And there is other
requirements that need to be looked at for
cconformity into the neighborhood.

My recommendation to the board
at this point would be to table this.

Is there any other discussion?

Are we all agreed to that?

THE BOARD: Aye.

CHAIRPERSON GRONACHAN: We are in
agreement and we will vote on it. If you
want to tell me how long you would like, I
will table it and we can pick a meeting on
when you can come back.

Would a month be enough for
you or two months?

MR. STANAJ: We got a sketch of
the floor plan. We don't have no elevation,
we don't have anything else.

CHAIRPERSON GRONACHAN: I think
that you're a little premature given the
uniqueness of your situation. I'm going to
recommend that you do a little more homework.

My recommendation at this
point is that I would like to see you, since
you don't have anything ready yet, probably
give you two months. If you need more, you
can contact Ms. Ramsay and she can extend it. I will have it on record. Then you can bring what you actually plan on building on this property for the board to make a complete and concise decision at that time.

MR. STANAJ: Okay.

CHAIRPERSON GRONACHAN: Would you like a two month extension or three months be better for you? What would be more convenient for you?

MR. STANAJ: Let's make it three months.

CHAIRPERSON GRONACHAN: Okay. So at this time, in Case No. PZ15-0010, Pete Stanaj, I move that we table the meeting until the August 15 meeting, at which time he will present plans and further information on what is actually going to be built on the property.

All those in favor of tabling?

THE BOARD: Aye.

CHAIRPERSON GRONACHAN: So moved, we will see you in August, with your paperwork.

MR. STANAJ: Thank you.
MR. EWING: Will there be letters sent out to interested parties or how does that work?

CHAIRPERSON GRONACHAN: As soon as we post it again, we have to go through the whole process again and the letters will go out again.

MR. WALSH: No. It will be tabled to the first meeting in August, which will be the first Tuesday.

CHAIRPERSON GRONACHAN: So there will be no letters going out.

MR. WALSH: August 11.

MR. STANAJ: I will be out of state, so can we make it like for September.

CHAIRPERSON GRONACHAN: Okay. We are going to amend that motion to September.

MS. KRIEGER: What date?

MS. RAMSAY: September 15.

CHAIRPERSON GRONACHAN: September 15, 2015. See you back here then.

MR. STANAJ: Thank you. And residents, you've got that date written down? So I misspoke, you will not be receiving a letter. So you can put that on the calendar.
You can check the agenda at the city --

Novi.org, agenda to make sure that it's on
the agenda for that night.

MR. EWING: We would expect that
the plans would be here and you will be able
to make a decision at that point?

CHAIRPERSON GRONACHAN: That's
what the hope is.

MR. EWING: All right. But I
wonder why it wasn't done.

CHAIRPERSON GRONACHAN: Thank
you. Everybody have a good evening.

In Case No. PZ15-0011, Rick
Valade at 25905, Laramie Drive. The
applicant is requesting a variance to allow
construction of a new patio enclosure
addition to the existing parcel.

Is our petitioner here?

Yes.

CHAIRPERSON GRONACHAN: Are you
both going to give testimony this evening?

I'm the one that's going to be
building it, if you allow it, so any
questions --

CHAIRPERSON GRONACHAN: If that's
the case, would you both please state your
names and spell them for our recording
secretary. And then raise your right hands
to be sworn in by Member Krieger.

MR. VALADE: Yes, I am the
homeowner, Rick Valade, V, as in Victor,
a-1-a-d-e.

MR. MOLLNER: My name is Dennis
Mollner, M-o-l-l-n-e-r.

MS. KRIEGER: In Case No.
PZ15-0011, do you both swear or affirm to
tell the truth in this case?

MR. MOLLNER: Yes.

MR. VALADE: Yes.

Good evening. I have a
picture here. I appreciate your time this
evening. I'm asking for a variance to -- I
want to have a covered patio on the area in
the picture identified with an X. Currently
I have the existing pool structure. I'm
asking for a five to six foot variance to
have a patio within my existing concrete area
there.

What I'm looking to do is
raise a patio so I come out of the sliding
door there, no further than the existing
gate. So I'm getting a small enclosure
within that area there, reason being there
has been increased activity due to the
wetlands that I'm immediately adjacent to.
I've have a lot of bees, insects.

I have taken steps to try and
eliminate that with an annual contract to
Terminix, that's helped a little bit. I have
also had $3,000 damage to my siding due to
woodpeckers that have been trying to get the
bees and insects that are on the side of
that. And the last resort in order for to me
continue to enjoy the outdoor area and the
pool area, I'm asking for a small enclosure
there, and seeking a variance from the board.

What questions do you have?

CHAIRPERSON GRONACHAN: Do you
have anything to offer at this time?

MR. MOLLNER: Reading into your
definition there, as far as 10-foot from
principle structure, so I'm not sure that
once you add this on there, is that
considered principal structure or not.

So that's the reason we are
here, to clarify that and to see if we do
need the variance.

Supposed to be 10-foot from a
pool, principle structure.

CHAIRPERSON GRONACHAN: Okay. Is
there anyone in the audience that has
anything to offer in regards to this matter?

(No audible responses.)

CHAIRPERSON GRONACHAN: Seeing
none, Member Krieger, would you like to read
the correspondence.

MS. KRIEGER: In Case No.
PZ15-0011, 17 letters were mailed, one letter
returned, two approval letters received, zero
objections received.

First one is approval, no
comments, Scott and Lisa Confer, C-o-n-f-e-r,
on Glenmore.

Second one is approval, no
comments, Joe and Nancy Cesarz, C-e-s-a-r-z,
on Glenmore. And that's it. Thank you.

CHAIRPERSON GRONACHAN: Building
department?

MR. WALSH: Yes. Just one
comment. The comment would be -- the setback
from the addition would have to be 10 feet to the pool.

However, after looking at the proposal, looking at the standard for pools, a four foot minimum setback would be a safety, so that's what the petitioner is proposing, he's coming out -- wants his addition to be -- for a variance of six feet, a setback of four feet from the pool, so we felt that that's a good proposal. Thank you.

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

MR. SANGHVI: Thank you, Madam Chair. I was at your house earlier in the day and I looked around there. I hope you didn't mind it.

But I think the wording of this request is a little misguiding, suggesting that you want to build a new patio and enclose it, other than the current existing patio you want to (unintelligible) around it. Is that correct?

MR. MOLLNER: We are going to build it up so that it's level with the door coming out and then enclose it.
MR. SANGHVI: You already got a patio, you're not going to encroach any further near the pool?

MR. MOLLNER: No. We are going to stay right within the fence.

MR. SANGHVI: That is the clarification that I think is very vital to understand for us, that you are -- this is already there, you just need to lift it up and --

MR. MOLLNER: We are lifting up the patio.

MR. SANGHVI: So you can use it all around the year and not worry about the insects and all that. I can understand as a homeowner myself this in here, this area and, this can happen to be honest, this is a totally different complexion on the problem, clarification for me and hearing what I hear now, I have no problem. Thank you.

MR. MOLLNER: Thank you.

CHAIRPERSON GRONACHAN: Member Byrwa.

MR. BYRWA: It's more of a building question for the installer there.
What type of footings are you putting?

MR. MOLLNER: We are going to do standard 42-inch footings, trench footings, couple rolls of blocks to get up to the house, then putting in a platform building just like you would a regular, you know, screened in porch basically -- that's where it started, myself and his wife started talking, because we were doing work on the house correcting -- not that this involves you, the bee problem, getting rid of some of the woodpeckers who tore everything up.

We started talking -- it's kind of useless there really, to sit down or do anything.

So she was wanting to get it up, maybe screen it in, then we thought, you know what, let's just put windows in it and make it where we can sit in it and, you know, keep the rain out.

As far as everything would be built to code. You would have a shed roof on the back, two by four walls. It would have regular framing, two by four because it's not
insulated, so we are not worried about anything like that, 16 inch on center, you know.

MR. BYRWA: I was aware of a situation that I was involved with in the past, where a patio enclosure was built off a second floor bedroom, it was a glass enclosure and it was off the back of the house and in the backyard they had a swimming pool similar to this situation, and they put in column footings of 42 inches and what ended up happening is the pool was drained in the winter time, the ground froze laterally, and even though those footings were 42 inches deep, I'm not sure if it was 42 inches laterally or better, but it ended up racking and heaving this glass enclosure that was built on these column footings.

So I guess my words of caution would be that you might want to go above and beyond what the code is when you start building close to a swimming pool that is going to be drained and you're dealing with a different frost situation and heaving situation.
MR. VALADE: Just a point of clarification, on this in ground pool, we do not drain it at all.

We come in, we hire a company to come in to winterize it and actually put a cover over it. There is no drainage at all involved.

MR. BYRWA: Thank you.

MR. MOLLNER: There will be 100 percent footings all the way around. If they want a couple of extra inches, I'm fine with that.

CHAIRPERSON GRONACHAN: Anyone else?

I have no problem with this. I too was by and I saw the wetlands, and went wow. I didn't realize the problems that can come from being so close and you're right there.

So I like Member Sanghvi, I read it wrong, I thought you had to move the pool, too. I have to reread this in a different light or something.

I'm glad that you don't have to move the pool. It is a minimum request.
I think it meets the spirit of the ordinance given the wetlands that you are so close to. I don't see any other options after looking at the property, and so I will fully support your request. Thank you.

Do we have a motion?

Member Krieger.

MS. KRIEGER: In Case No. PZ15-0011, for Rick Valade, 25905 Laramie Drive, I move to grant the variance request as requested by the petitioner. He's established his practical difficulty, by the picture and explanation and presentation and information that the physical condition and property. The wetlands next-door and the bees and wasps and birds, the local wildlife are encroaching on there almost on the inside of the house, so they do have a pool, which of course, attracts mosquitoes, so that this would benefit with an enclosure, and because of the explanation that the physical conditions of the property creates a need for the variance, the location of the pool, and the house, and they already having fencing, and then just putting a glass enclosure as
explained with the proper footings approved
by the city, to alleviate this situation, the
addition is not a personal or economic
hardship, the need is not self-created, the
bees were there first.

The strict compliance with
dimensional regulations of the zoning
ordinance is already placed, so the -- by
explanation, the water should not create a
footing problem.

Unreasonably prevent the
petitioner from using his property for a
permitted purpose will make it unnecessarily
burdensome to comply with the regulations
because it would be very economically
burdensome to move the pool.

Petitioner has established
that the variance is the minimum variance
necessary, lesser variance where the fence is
at is the minimum request.

The requested variance will
not cause adverse impact on surrounding
property, or properties or will enhance
values and the enjoyment of the property and
in the neighborhood.
And I covered it.

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

MR. SANGHVI: Second.

CHAIRPERSON GRONACHAN: It's been moved and second.

Ms. Ramsay, would you please call the roll.

MS. RAMSAY: Member Ibe?

MR. IBE: Yes.

MS. RAMSAY: Member Krieger?

MS. KRIEGER: Yes.

MS. RAMSAY: Member Sanghvi?

MR. SANGHVI: Yes.

MS. RAMSAY: Member Byrwa?

MR. BYRWA: Yes.

MS. RAMSAY: Member Montville?

MR. MONTVILLE: Yes.

MS. RAMSAY: And Chair Gronachan?

CHAIRPERSON GRONACHAN: Yes.

MS. RAMSAY: Motion passes six to zero.

CHAIRPERSON GRONACHAN: Your variance has been granted. Good luck.

MR. VALADE: Thank you for your
CHAIRPERSON GRONACHAN: Good luck.

We have two more cases. And it is getting close to 9:00.

What I would like to do is call our next case and then I'm just going to let Gander Mountain know that the board will entertain a three minute break after this case.

I appreciate your indulgence. I'm looking to the petitioner in the back.

So PZ15-0012, Gordie and Audrey Wilson at 1345 East Lake Drive. The petitioner is requesting a variance to allow construction of a new ramp addition on an existing parcel.

Good evening. Are you Mr. and Mrs. Wilson?

MS. WILSON: No, I am Audrey Wilson.

MR. COLThERS: My name is Gary Colthers, C-o-l-t-h-e-r-s. I am her father.

MS. KRIEGER: Are either of you attorneys?
MR. COLTHERS: I am an attorney, but I'm not appearing as an attorney.

MS. KRIEGER: Do I swear them?

CHAIRPERSON GRONACHAN: You don't have to.

MR. COLTHERS: I'm not appearing as an attorney. I do want to be a witness since I'm the one that's going to use this ramp.

CHAIRPERSON GRONACHAN: It's a courtesy that you don't have to get sworn in.

MS. KRIEGER: For PZ15-0012, do you both swear or affirm to tell the truth in this case?

MS. WILSON: I do.

MR. COLTHERS: We have put the drawing up there that I submitted. I also have it in your packet a survey, if you would like to see that. Just a few things on the property.

This is a remodel of an existing structure. The old house I believe was approximately 30 years old. It was a split level and it's approximately 72 inches
from the ground up to this door that you would get into the house.

    There is a 10-foot setback on both sides, 10 foot on the north, 10 foot on the south. We are proposing to build it on the 10 foot on the north side.

    On the north side, the neighbor to the north, they have on their side a driveway in the setback and they park their car there. And then farther back in that setback they have a shed that encroaches on that setback, which is out of the way and then part of their house I believe also encroaches the setback.

    If you wanted to see that, I could show it to you on the survey.

    If you wanted to enter the backyard of this house, you would do it on the south side, that's got a 10-foot wide setback, the neighbors got a 10 wide setback and there is nothing in the way.

    The front porch on this house, that's going to be -- you could see where the ramp goes there, the front porch is about seven feet by seven feet, it's got some posts
on it, so the platform of the ramp would go to the floor of that porch.

I have been in a wheelchair for about 40 years and I have dealt with ramps and lifts and incline lifts in business situations and personal situations, and I have looked at this for a long time trying to figure out which would be the best way, the easier way and the most practical way to get my wheelchair into this house.

So under the ordinance, if you are going to talk about practical difficulty, I think there is practical difficulty and we do need a variance.

The first one is you need circumstances or physical conditions of the property.

Probably the biggest one is the fact that the water level is so high so when they built the house before this house, they made it a split level, so when you got up to the front door it had to be this 72 inches off the ground.

The house to the north and the house to the south are both split levels.
But for that, I wouldn't need a ramp because it would be a standard Michigan house with three steps and you would be in the front door.

Number two, the need is not a result of the actions of the property or the previous owner.

Probably the previous owner, when they built their house, which we are building our house on that same foundation, didn't foresee the need for a ramp. I don't even know in the '70s if there was requirements by Novi, if you had to have a variance to build a ramp in a setback or not. So, I don't think that they would have foreseen a reason to make a house that would be wheelchair accessible.

Strict compliance will unreasonably prevent the property owner from using the property for a permitted use. This is somewhat self-explanatory.

Although I will say one of the reasons I decided on a ramp instead of a lift is that I probably won't use this thing more than 10, 15 times a year on -- maybe more
times on ten or 15 occasions.

So the idea of the ramp is that it's always there, never fails and you can count on it, versus some other things that I have had problems with.

The minimum variance necessary to do substantial justice.

I considered if you -- can't see it from here, move it down. There is two front doors or two doors that go into the front.

If you go in the garage, right there where that three-foot wide ramp is, the words right inside that wall there is a door that goes into the house from the garage. And I thought about ramping it in the garage, but then I would hit the ceiling of the garage with my head because you have got that 72 inches.

So I looked at an inclined lift and a vertical lift. Vertical lift would be in the way of the cars coming into the garage. And the inclined lift I thought of that, I got one of those myself at my house, and it's possible, but it's in the
way. They are always in the way. If you have a four foot wide stairway, you got rails on these things that are 250 pounds apiece about and so you have to bolt it into the floor, and it's nice for me, because you just roll into it, but for anybody else that is using it, if you want to take anything up and down those stairs, you have got that lift in the way.

They have got folding lifts now, but they go on a 220 circuit there to the side, and they still take up -- they make it smaller to get up into the house and that garage door is going to be the main door into the house.

So after looking at it for quite awhile, I thought, you know, why burden these people with a ramp that I'm going to use maybe 10 or 12 times, occasions a year.

So from there I went to a possible vertical lift outside, that would be on the porch to the north side. And that would have been okay, except that's also a variance. So I assume that's also in the setback so that would require a variance. So
that didn't make any sense. So then I thought about it on the south side. And I looked at that, I thought well, if I do it there, it's going to catch all the wind off the lake, the advantage to that, to the ramp being where it is, is that the house shields it from really severe weather, and having been to another house there, on the west end, the wind is constant there.

So those lifts work okay, but over time, if you're not using them all the time, the grease gets cold, it gets hard, they stop working, you have blackouts, some work on batteries, then, you know, if you're not changing them, so it is a constant maintenance problem.

So then I thought, well, let's do the ramp in the front, so you go from the porch over to the garage, but that requires three switchbacks, two switchbacks, so three ramps, and it puts it out into the driveway.

So when you are turning the corner to get into the garage, the odds you are going to hit it with the car after while, is just going to happen. Plus a ramp right
in the front of it blocks all the windows on
the bottom side of the front of the house.

So after considering all of
that stuff and looking at this thing for
quite a while, I decided that the best way to
keep this ramp out of the way is to make it
the least visible to the front, to cause, you
know, minimum problems for the neighbors,
because he's parking his car there and he
doesn't use that side for any kind of scenic
value, plus the ramp really is not that bad,
it's like a deck, slanted, so I thought,
well, put it on the north side. Thank you.

CHAIRPERSON GRONACHAN: Thank
you. Do you have anything else to offer?

MS. WILSON: No, thanks.

CHAIRPERSON GRONACHAN: Thank
you. Is there anyone in the audience that
wishes to offer a comment on this case?

(No audible responses.)

CHAIRPERSON GRONACHAN: Seeing
none, correspondence.

MS. KRIEGER: In Case No.
PZ15-0012, 33 letters were mailed, two
letters returned, one approval letter, and
zero objection letters.

And the letter is approval, comments, no objection, and it's from Joe Debrinoat, D-e-b-r-i-n-o-a-t, on 1939 East Lake. That's it.

MS. WILSON: That's our neighbor to the north.

CHAIRPERSON GRONACHAN: Building department?

MR. WALSH: No comments at this time.

CHAIRPERSON GRONACHAN: Board members?

MR. BYRWA: You're aware that this is steeper and it doesn't meet the handicapped requirements of Michigan Barrier Free Design or the ADA act?

MR. COLTHERS: It meets the requirements of the building code.

MR. BYRWA: Not for a handicapped ramp under the Michigan Barrier Free Design or ADA, Americans with Disability Act.

MR. COLTHERS: I only looked at it --

MR. BYRWA: What they mandate
basically is a slope no greater than one in ten. And for the simple reason that once you get steeper than that, where you're at here, the likelihood of that wheelchair flipping backwards is a high likelihood or possibility at the slope that you're proposing.

MR. COLTHERS: I looked at R311.8 for ramps, but I understand what you are saying. We haven't decided yet. If you look at the drawing, that ramp the way it is, is one in eight. And the reason I did it that way instead of one in 12, which would cover your one in ten, is because it fits the size of the house.

And in the front I can go a little longer to make up for the platforms because I don't have any rise on the platforms. But if I had to, I could always apply for a variance to the Barrier Free Design board and ask them to do it.

I can tell you, my ramps that I use in different -- in multiple places, the one out of my van, about one in six, one in seven. There is nothing that's -- there is nothing that is more than one in ten, one in
eight.

MR. BYRWA: I think the building department could still issue a permit, should a variance be granted, but they really couldn't call it a permit for a handicapped ramp because it doesn't meet the requirements of that. They could use different terminology like a modified access that you could call it, I guess.

MR. COLTHERS: Thank you though for telling me that, so I can consider that.

CHAIRPERSON GRONACHAN:

Mr. Walsh?

MR. WALSH: This is residential construction, so it comes under the Michigan residential code, so it's different than the building code. So those requirements wouldn't apply.

Just like the applicant indicated, I believe, I steered him in the -- gave him the code section. He would just have to comply with the residential building code.

CHAIRPERSON GRONACHAN: Anyone else?
First of all, I want to commend you on all your hard work that you did. You answered all my questions.

We don't have any openings now on the Zoning Board, but if you ever get bored, you know, you want to come and visit, you could fill in.

Anyway, I think you did a great job of this. And going out there, I saw that with these lot configurations out there, it's 150,000 ideas sitting up late at night with a pencil and a piece of paper trying to figure what's the least impact on who and whom, and who is going to be involved up there.

The fact that we got a letter from your neighbor that's in support of this as well, fares well. And the fact that you seemed to be well-versed in all of this and have given this board a full explanation on every which way but straight on how to this.

I will be supporting your request for a variance. I think it's minimal and it meets the spirit of the ordinance.

MR. COLThERS: Thank you.
CHAIRPERSON GRONACHAN: Thank you? Anyone else. Member Krieger.

MS. KRIEGER: In Case No. PZ15-0012, for Gordie and Audrey Wilson on 1345 East Lake Drive, I move to grant the request sought by petitioners.

That they established very well their practical difficulty and the alleviation for it. You did an excellent job.

Also there was a letter approved from the neighbor next-door, that they examined all possibilities for a ramp to assist with the wheelchair which would probably assist anybody in the future as well as if they had to push something upstairs on the porch.

The petitioner is unique to this -- well, every house on Walled Lake and East Lake is unique.

The physical conditions of the property also, every property line and border is unique there as well, that it does not -- the need is not self-created. The house is as-is.
The strict compliance with dimensional regulations of the zoning including the variance is the minimum request and will match the house.

Strict compliance will unreasonably prevent the petitioner from using their property for a permitted use for visitation of visitors needing assistance, and will make it unnecessarily burdensome to comply with the regulation, finding alternatives to enter the house would be more complicated.

Petitioner has established the variance is the minimum variance necessary, a lesser variance would not -- it would create a steeper incline.

The requested variance will not cause adverse impact on surrounding properties, values or enjoyment of the property in the neighborhood, that a ramp is created can be an enhancement on a deck and that's it.

CHAIRPERSON GRONACHAN: Thank you. It's been move, is there a second?

MR. SANGHVI: Second.
CHAIRPERSON GRONACHAN: It's been moved and supported. Is there any further discussion in regards to the motion?
(No audible responses.)
CHAIRPERSON GRONACHAN: Seeing none, Ms. Ramsay, would you please call the roll.

MS. RAMSAY: Member Ibe?
MR. IBE: Yes.
MS. RAMSAY: Member Krieger?
MS. KRIEGER: Yes.
MS. RAMSAY: Member Sanghvi?
MR. SANGHVI: Yes.
MS. RAMSAY: Member Byrwa?
MR. BYRWA: Yes.
MS. RAMSAY: Member Montville?
MR. MONTVILLE: Yes.
MS. RAMSAY: Chair Gronachan?
CHAIRPERSON GRONACHAN: Yes.
MS. RAMSAY: Motion passes six to zero.
CHAIRPERSON GRONACHAN: Your variance has been granted.
Good luck and I'm sure you will be back in touch with the building.
MR. COLTHERS: Thank you all for your time.

CHAIRPERSON GRONACHAN: The board at this time would like to entertain a three minute break and then we will be back and we will visit with our last case of the evening, Gander Mountain. I'm sure he needs this extra three minutes to prepare.

All in favor?

THE BOARD: Aye.

(Short recess taken.)

CHAIRPERSON GRONACHAN: I'd like to call the Zoning Board of Appeals meeting back to order.

Call Case No. PZ15-0013, Patrick Stieber with Allied Signs on behalf of Gander Mountain at 43825 West Oaks Drive.

The applicant is requesting a variance from the City of Novi code of ordinances to allow a third single wall sign by right and RC regional center wall sign district. Thank you for your indulgence.

You are?

MR. FIELDS: Jim Fields,
operations manger, Allied Signs, F-i-e-l-d-s.

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

MS. KRIEGER: In PZ15-0013, do you swear or affirm to tell the truth in this case?

MR. FIELDS: I do.

CHAIRPERSON GRONACHAN: Thank you, please proceed.

MR. FIELDS: Thanks for your patience tonight, number one.

What you will see here is a plan, and when you start off by saying we are requesting a variance for a third sign, actually, they already have two signs. There was a variance granted for the north elevation. The north elevation will go away, which is this point.

And what are seeking is reapplying for the second sign so there is visibility at Donaldson Drive, which is going to get your traffic in off Twelve Mile.

With the north sign going down, they had two signs, we want to get back
into that status.

We feel -- this is all commercial back here, you have flow on Twelve Mile, they do have the need to have visibility coming in off Donaldson since they're going to lose anything coming off here in the north face, so that way their only primary signage, which is already variance granted, is off Novi Road, which we have that.

The sign that will be looking for the variance over here is under footage. I think 90 square feet was granted for the north elevation, which drops, and that sign will be at 56.45 feet.

Really in essence we are removing a sign that was granted a variance from the north elevation, we will be relocating the same square footage of sign on the western elevation.

There is no residential areas. We feel that the client does have the need to have their branding on the back side for the traffic on Donaldson and (unintelligible) that's going to come in off Twelve Mile Road.
CHAIRPERSON GRONACHAN: Anything else?

MR. FIELDS: That's it.

CHAIRPERSON GRONACHAN: Clearly there is no one in the audience to have any comments.

Madam Secretary, can we have the correspondence, please.

MS. KRIEGER: In Case No. PZ15-0013, 19 letters were mailed, zero letters returned, no approval or objection letters received.

CHAIRPERSON GRONACHAN: Building department?

MR. WALSH: No comments at this time.

CHAIRPERSON GRONACHAN: I have a question and I want to clarify this for everyone.

The reason why you're losing that sign to the north?

MR. FIELDS: They are losing the sign to the north because there is a tenant that is taking over that space, so that tenant in their lease agreement, they have
access to that elevation, which is here, for their signage, to allow them signage, they will have their main visibility is going to be here, since we are over on the wall here. So that's going to be their main identification. So the Gander Mountain will come down.

CHAIRPERSON GRONACHAN: You are reducing the size of the store then?

MR. FIELDS: I don't think the square footage of the store is changing. I think they finally got a tenant that's going to seed in the end of the building.

MS. KRIEGER: David's --

MR. WALSH: It's David's Bridal, I believe, is going to end up at the north spot.

CHAIRPERSON GRONACHAN: Board members?

MR. BYRWA: I got a question. Has there ever been any studies done on how much business is related to like first time customers?

I got to believe most of the people that go to Gander Mountain, 90 percent
of the business I would think would be repeat customers, where they know you're there.

MR. FIELDS: I'm not exactly familiar with their clientele or their marketing.

What I do know is just being in signs for as long as I have been in, your visibility, if you can get yourself to where you're being seen from as many points, with losing this north to the west, you're still going to run the chance of picking up all these people in this common center over here, where they may not be a repeat customer. If you get one in ten, that increases their --

MR. BYRWA: But you think you would want to have signs out to the freeway with the hundreds of thousands of people using that freeway.

MR. FIELDS: I think with the freeway you are still going to catch visibility from the freeway in that this back lot, you will catch it on that west lot where we won't have that on the north. I think that is part of the necessity to push there.

They're also going to catch
more coming in off the freeway, catch a little bit off Twelve Mile, but they are going to become more visible coming down Donaldson because they are losing that north face.

CHAIRPERSON GRONACHAN: Member Montville?

MR. MONTVILLE: Just to confirm, that's where the banner is, where the new sign is going to be?

MR. FIELDS: Yes, there is a temporary banner mockup.

MR. MONTVILLE: Just for my own relation to sizes, this 56 and a half feet -- what's that in relation to that banner? Do you know, roughly the same?

MR. FIELDS: Yes, square footage wise, it's a box.

CHAIRPERSON GRONACHAN: Thank you, Member Montville. Member Krieger?

MS. KRIEGER: Will they be changing the facade on the back? If somebody drives to the Sears outlet and they are coming through and they see Gander Mountain, then they look, they see the back of the
store, do you know if the facade will be
changing in the back?

MR. FIELDS: I don't know
anything about any upkeep. That would be
under a contractor. I think we are minding
directly with the building end of this. I
don't think there is a remodel in plan?

MS. KRIEGER: Do you know,
Mr. Walsh?

MR. WALSH: No, sorry.

MS. KRIEGER: Just for the sign.

Thank you.

CHAIRPERSON GRONACHAN: Anyone
else? Member Sanghvi.

MR. SANGHVI: Thank you. I know
your store, I know how to get there. I know
where you are coming from. I know now that
Donaldson Drive has become a little bigger
kind of a thoroughfare than it has been for
many years.

But why do you want sign on
top of the dumpsters all around there?

MS. KRIEGER: That's what I was
talking about, on the back.

MR. SANGHVI: There are dumpsters
in there. Nothing else. Doesn't look very
elegant on top of the dumpsters to put a
sign.

MR. FIELDS: I think what they
are thinking if you are looking at the back
of a building, you have no idea who the
tenant is at the front side of the building
because you can't see any of their
identification. Any chances that they would
have had with north visibility coming south
on Donaldson would realize that anchored in
this strip where our main ID is here, you can
see some of the visibility of the signs that
may be over here, where you would have no
sign, with the hulk of the back building,
identifying who can be the tenants in the
front.

MR. SANGHVI: Thank you.

CHAIRPERSON GRONACHAN: Anyone
else? I guess it's my turn.

I was here when Gander
Mountain asked for their first set of signs
back in 2003. It was Kmart before.

At first when I looked at
this, I was not in favor. And then I went
back and drove around again, and you know, we
had a business here earlier from Fountain
Walk saying that people can't find it, and
it's not a matter of easability, it's a
matter of everybody wants it now, everybody
wants to find it in three seconds, everybody
is in a hurry.

That is a unique -- when I say
unique, I think that the road Donaldson
Drive, with that intersection right -- if you
are going to cross over and go into Gander
Mountain, if you are looking for something,
I'm all about safety when I'm driving and
trying to find somewhere. And I got like
that from living up on the east coast praying
that one day I would get back to Novi and
find my way around because I would know my
way around.

But as an outsider, we have
the Suburban Showplace, we have all these
hotels, we have people coming from out of
town a lot, that don't know that Gander
Mountain is there, that doesn't know that
those other businesses are there. We have
been fortunate to live here a long time, so
we easily identify, oh, yeah, I know where that is.

When you are thinking in terms of a larger city that Novi is growing to be, and the businesses that we are trying to support, I feel that with that uniqueness of the layout between Fountain Walk and this complex that Gander Mountain is in, Donaldson Drive, Twelve Mile and all of that entering into that intersection, I think everybody needs as much help as they can get, especially when it's dark and it's during the winter and you're driving and you're just trying to find the Gander Mountain when you are coming from your hotel.

Having said that, that's how I think.

I agree, I don't think it's very pretty the way they have with those dumpsters, but if it's useful, and it's going to help, these businesses in need in Novi, then I feel that I can support this request. I feel it's minimal.

I think that Gander Mountain has been a long-standing business in Novi
from 2003, and I'm glad to see that they are successful, and therefore, for those reasons, I would be supporting your request.

MR. FIELDS: Thank you.

MS. KRIEGER: I thought of my other question I hadn't thought of earlier.

Mr. Walsh, on Novi Road, the pole sign that has Gander Mountain, is that technically the third sign?

MR. WALSH: No, these are just for wall signs.

CHAIRPERSON GRONACHAN: The ones on the podium out front, that's automatic? Correct.

MR. WALSH: Right. We are only talking about the wall signs.

MS. KRIEGER: Go ahead, do the motion now?

CHAIRPERSON GRONACHAN: Would anyone like to do a motion?

MR. IBE: Madam Chair, I will do the last motion of the day.

In Case No. PZ15-0013, Patrick Stieber with Allied Sign on behalf of Gander Mountain at 43825 West Oaks Drive, I move
that we grant the petitioner's request, as requested, for the fact that petitioner has shown practical difficulty that will warrant favorable discretion in granting the variance.

The locating of the property itself is what is at stake here. Based on the comments made by Madam Chair, I think she eloquently did a good job for the petitioner, in stating that where you are located, you know, Donaldson Drive and Twelve Mile and the rest of all the things happening in the area, it makes it far more difficult to really find place, if you don't know where you're going.

Now, for someone like us, who have been here a long time, it's easier to find it, but I doubt if anyone that is tucked away in that corner, and knowing Kmart used to be there, long time ago, so obvioulsy the location, the geographical location of this business alone demonstrates sufficient practical difficulty.

With other variances obviously the petitioner will be unreasonably -- will be limited to what they can do with the
property as they (unintelligible) so this variance that allows for visibility, allows them the opportunity to maximize the use of that space and intended purpose.

The property itself is unique, the geographical location. Petitioner did not create this condition obviously.

The fact that this sign on the north side is coming down, is also not petitioner's creation, there is a new tenant, which means that based on the lease agreements and all of that, you get (unintelligible) signs, so you do need that visibility. So the self-creation is not really there.

The relief granted will not unreasonably interfere with adjacent surrounding properties. Letters were sent out, there has not been any objections to your request, so I believe the businesses there do appreciate the fact that you do want to remain viable, so you can stay there because other businesses benefit when businesses are thriving.

The relief is consistent with
the spirit and intent of the ordinance. And based on the presentation and the comments made by all parties here for the petitioner, I move that we grant the request as requested.

MS. KRIEGER: Second.

CHAIRPERSON GRONACHAN: It's been moved and seconded, is there any further discussion on the motion?

(No audible responses.)

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

MS. RAMSAY: Member Ibe?

MR. IBE: Yes.

MS. RAMSAY: Member Krieger?

MS. KRIEGER: Yes.

MS. RAMSAY: Member Sanghvi?

MR. SANGHVI: Yes.

MS. RAMSAY: Member Byrwa?

MR. BYRWA: Yes.

MS. RAMSAY: Member Montville?

MR. MONTVILLE: Yes.

MS. RAMSAY: And Chair Gronachan?

CHAIRPERSON GRONACHAN: Yes.
MS. RAMSAY: Motion passes six to zero.

MR. FIELDS: Thank you for your time.

CHAIRPERSON GRONACHAN: Thank you for your patience. Good luck to you.

Moving on, are there any other matters for discussion this evening? Member Sanghvi.

MR. SANGHVI: First of all, I want to commend the presentation of the new packet. Very nice and very attractive.

The only suggestion I would make is please try and include some site maps on the packet itself, so that when we go to look at the place we know and try to visualize what's being done. Thank you.

CHAIRPERSON GRONACHAN: Could you not download the site maps in your packet?

MR. SANGHVI: It was not there.

CHAIRPERSON GRONACHAN: There were some difficulties in downloading -- we all experienced difficulty downloading the packets this week.

I'm grateful that we got them
earlier on Tuesday, that was helpful especially for the number of cases. But yes, there was some sort of technical difficulty on downloading them. I had to actually leave my house, go to my office to use the wi-fi at my office because I couldn't download it at the house. I don't know why. And then someone came in and helped me. They showed me how to get it done and then Member Montville had the same problem and I see everybody else -- there was a delay.

MR. WALSH: Give me a call if that happens again so we can get it resolved.

MR. BYRWA: I think it's a matter of properly initializing with your wi-if number and all that stuff and everything. So your wi-fi can actually - the computer reads your home, there is an account number and everything that has to be --

CHAIRPERSON GRONACHAN: I use it for other stuff, but I've never had a problem downloading before. Just this particular -- so I don't know. But the maps are in there.

MR. SANGHVI: I started to think city is downloading (inaudible).
CHAIRPERSON GRONACHAN: I do try to embrace the technology that the city has given us with these Ipads, but I have to say that the challenge of reading these site maps on these Ipads is a challenge. So that's why sometimes I think you see us stumbling and I have to actually try to -- I do go to the city websites and try to look at the bigger map because I'm -- after awhile I get a little cross-eyed.

I miss the paper on the maps.

MS. KRIEGER: I miss paper period.

CHAIRPERSON GRONACHAN: If I could have a map with my case.

Do we have anything else? Let's see if I can adjourn the meeting better this month.

MR. SANGHVI: May I make a motion to adjourn.

MS. KRIEGER: Second.

CHAIRPERSON GRONACHAN: It's been moved and seconded that we adjourn the meeting.

All those in favor say aye.
THE BOARD: Aye.

CHAIRPERSON GRONACHAN: Meeting adjourned.

(The meeting was adjourned 9:40 p.m.)

** ** **
STATE OF MICHIGAN   )
               )        ss.
COUNTY OF OAKLAND   )

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

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

IN WITNESS THEREOF, I have hereunto set my hand at the City of Walled Lake, County of Oakland, State of Michigan, this 26th day of May 2015.

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