REGULAR MEETING - ZONING BOARD OF APPEALS

CITY OF NOVI

December 8, 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, December 8, 2015

BOARD MEMBERS

Cindy Gronachan, Chairperson
Brent Ferrell, Secretary
David Byrwa
Jonathan Montville
Mav Sanghvi
Rickie Ibe

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

REPORTED BY: Jennifer L. Wall, Certified Shorthand Reporter
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CHAIRPERSON GRONACHAN: I'd like to call the December 2015 Zoning Board of Appeals meeting to order.

Would you please all rise for the Pledge of Allegiance.

(Pledge of Allegiance recited.)

CHAIRPERSON GRONACHAN:

Ms. Ramsay, will you please call the roll.

MS. RAMSAY: Member Ferrell?
MR. FERRELL: Here.

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

MS. RAMSAY: Member Krieger is absent, excused.

Member Sanghvi?
MR. SANGHVI: Here.

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

MS. RAMSAY: Member Reichert is absent, excused.
Member Montville?

MR. MONTVILLE: Here.

MS. RAMSAY: Chairperson Gronachan?

CHAIRPERSON GRONACHAN: Present.

Thank you. I'm going to wait a second while everybody gets set in.

I want to welcome everyone this evening and let you know in the back there you will find an agenda along with the City of Novi Zoning Board of Appeals rules and procedures for this meeting.

I'm going to ask everyone that you please turn off your cellphones at this time.

Also if you are approaching the board to make comments, please be aware that there is a time limit and each board member or each member of the audience will only be -- will be able to speak to the board once, unless the members of the board call upon you again. That does not qualify for the petitioners.

So with that, the agenda -- there is a change on the agenda, the approval of November 10th minutes have been postponed until January of 2016.
And there are two other matters, board members, after the cases are reviewed, so everyone make a note of that.

All those in favor of the -- all those in favor of approving the agenda for this evening's meeting, please say aye.

THE BOARD: Aye.

CHAIRPERSON GRONACHAN: None opposed, the agenda has been approved.

At this time, I would like to call in the audience if there is anyone that wishes to make comment in regards to a matter other than what's being presented in front of the board this evening, you may do so now.

Is there anyone that has anything to offer to the ZBA tonight?

(No audible responses.)

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

Case No. PZ15-0038, Mike Strehl Enterprises for Jeff McLellan.

This is a piece of property on West Lake Drive, west of Novi Road, south of Fourteen Mile.
The applicant is requesting a variance is for a new home and a deck.

Good evening. Would you please state your name, spell it and then raise your right hand and be sworn in by our secretary.

MR. STREHL: Michael Strehl, M-i-c-h-a-e-l, S-t-r-e-h-l.

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

MR. STREHL: Yes.

CHAIRPERSON GRONACHAN: Please proceed.

MR. STREHL: We are requesting a variance for a rear yard from 35 to 22, also a side yard which is 10 and nine, total aggregate is 25. And we're up to 18, so we are asking for nine feet. And the deck size is twelve six, and it's supposed to be nine and 3.5.

It's a very small lot, designed for a very small building. The minimum requirements for living space on this is 1,000 square feet, we are right there.

CHAIRPERSON GRONACHAN: Anything
else?

MR. STREHL: That's pretty much it.

CHAIRPERSON GRONACHAN:

Mr. Secretary, are there any correspondence on this case?

MR. FERRELL: Yes, Madam Chairman. There was 36 notices mailed, two notices returned, two approval letters received and zero rejection letters.

First approval is from Robert Gardner, G-a-r-d-n-e-r, at 1533 West Lake Drive. "After understanding the project, thorough discussions with the builder, Mike Strehl, and with the McLellanls, I am in support. I am also confident that the builder will be respectful to the neighbors in the immediate community during the building process. I live at 1533 West Lake Drive, my current residence, which he built the home directly next-door, which went smoothly for me and the other neighbors."

The second one is from Tim Richardson at 1511 West Lake Drive, it's just an approval.

That is it.
CHAIRPERSON GRONACHAN: Thank you. Building department?

MR. BOULARD: Just one word, point, if I could.

The notice indicates or reflects the fact that there is an overhang on the second floor on the sides.

MR. STREHL: Correct.

MR. BOULARD: So the actual setback would be 7.67 feet, so we advertised for that, as the variance from the side setback, also that's why the numbers in the staff report, in the advertisement are squeaked from what you had.

Also the lot -- maximum lot coverage is 25 percent and yours is actually 27, so that's also included in the request, and the advertisement, so otherwise, I will stand by for questions. Thank you.

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

MR. MONTVILLE: Real quickly. Did you go through the process of designing the house, trying to keep it within the minimum request, as much as you could?
MR. STREHL: They were looking first for a garage, you know, in-law apartment above, so they live directly across the street, the parents visit with them during the summertime, so -- and the lot that he purchased, this is, you know, like I said, minimum request is 1,000 square feet. We did shrink the garage on the bottom to keep the space apart and, you know, the upper part is larger just to get the 1,000 square feet.

MR. MONTVILLE: I'm in favor of the proposal as requested.

CHAIRPERSON GRONACHAN: Any other questions?

I do have a question. I'm concerned about the 27 percent overage, so is that the deck that's actually -- maybe that question needs to go to the building department for clarification?

Is that because of the deck that he's putting on, is that what's taking him over the 25 percent, or is there -- there is not one thing that's taking him over?

MR. BOULARD: I don't know if it's the deck, per se. It's a much smaller
lot than the minimum size, but it's an
existing lot of record, so I'm not sure
necessarily that it's -- I mean, you could
take the deck off, but that doesn't
necessarily -- I don't believe it was kept
big in the footprint.

So the lot coverage, it's in view
of a number of the other smaller lots along the
lake, I think it's certainly very reasonable being
that two percent over.

CHAIRPERSON GRONACHAN: Thank
you.

Your lot is smaller than mine, I
had to go out twice to look for it.

MR. STREHL: It is a little lot.

We did shrink the deck in on the
sides and on front. It's only about five feet
wide. So room for a table and chairs, couldn't
get any smaller.

CHAIRPERSON GRONACHAN: You know
what, on this side of the table, we got to
ask questions.

So otherwise -- you know, I get all
dressed up to come out here, I have to ask
something, just to make sure it's on record.
You know, I do agree, it is -- you know, you're conforming with the other houses. It's very nice that you have correspondence saying -- giving a testament to your building ability, you're the builder, correct?

MR. STREHL: Yes.

CHAIRPERSON GRONACHAN: The fact that you have been in the neighborhood and that you have done a good job in the past, you are familiar with this area, this is a very unique area in terms of you can it take for granted, otherwise you will hear from all the neighbors.

So I appreciate that, and I appreciate the work that you did in the packet, and I will be in full support.

If someone wants to make a motion, if there is no other further discussion.

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

CHAIRPERSON GRONACHAN: Member Montville.

MR. MONTVILLE: In Case PZ15-0038, sought by Mike Strehl Enterprises
on behalf of Jeff McLellan, I move that we
grant the variances as requested for the
following condition, the non-conforming
existing lot causes practical difficulty
relating to the property and the builder and
the homeowners properly utilizing the lot as
is currently zoned.

The need for the variance is not
self-created for those previously stated reasons.

Strict compliance with the
dimensional regulations of the zoning ordinance
(unintelligible) stands for that lot would prevent
the homeowners from using the lot for the intended
purposes as it was purchased.

The results of the variance being
granted for the petitioner will not have an
adverse impact on the surrounding properties and
the surrounding homeowners, as noted the positive
correspondence from the outgoing advertising and
responses that would be received.

So for those reasons, I move that
we grant the variances.

MR. IBE: Second.

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 Ferrell?
MR. FERRELL: Yes.

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

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

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

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

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

MS. RAMSAY: Motion passes six to zero.

CHAIRPERSON GRONACHAN:
Congratulations, you win the award for the quickest case. Great way to start the evening. Good luck on your construction.

MR. STREHL: You guys have a good
night.

CHAIRPERSON GRONACHAN: Thank you, you do the same.

Okay. Case No. 2, Case No. PZ15-0040, Steve and Erica Brennan at 203 Henning Drive.

This house is located west of Novi, south of Thirteen. The applicant is requesting a variance from the City of Novi. And we have in front of us this evening?

MR. BRENNAN: Steven Brennan, homeowner, S-t-e-v-e-n, Brennan, B-r-e-n-n-a-n.

CHAIRPERSON GRONACHAN: And?

MR. LINDBECK: My name is Rick Lindeck, the designer on the project, L-i-n-d-b-e-c-k.

CHAIRPERSON GRONACHAN:

Gentlemen, will you please raise your right hand and be sworn in by our secretary.

MR. FERRELL: Do you both swear to tell the truth in the testimony you are about to give in this case?

MR. BRENNAN: Yes.

MR. LINDBECK: Yes.
MR. BRENNA: Existing home, been existing homeowners 12 years, expanding family, looking to do an addition to the home.

Rick designed an addition that would connect a currently detached garage to the home, adding about 600 square feet.

The variances requested are setbacks that are existing, non-conforming. The home is already on -- my current home is 10 feet from the street, and the aggregate distance on the side yard is a total of 12 feet, needing a 13-foot variance for the sides and the addition is 25 feet from the street instead of 30.

So it's in the existing footprint of the existing home, but it's non-conforming, so --

CHAIRPERSON GRONACHAN: Do you have anything to add?

MR. LINDBECK: In a nutshell, that covers it. It's non-conforming right now and what we are proposing is well inside what the existing footprint is.

CHAIRPERSON GRONACHAN: For clarification, you are just attaching the
garage to the house basically, so the
construction is not going on the outside.

   What you're doing between the two
buildings is not actually adding to the variances?

    MR. LINDBECK: Correct.

    MR. BRENNAN: That's correct.

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

    (No audible response.)

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

    (No audible responses.)

    Seeing none, Mr. Secretary, are
there any correspondence?

    MR. FERRELL: Yes, Madam Chair,
97 notices mailed, 14 notices returned, eight
approval letters received, zero objection
letters received.

    First one, "This email is in
regards to Brennan Case No. PZ15-0040, the request
for dimensional variances. Our names are Kurt and
Michelle Werner, W-e-r-n-e-r. We live at 135
Henning Street, and we are the north side neighbor
of Steve and Erica Brennan. The Brennans' garage is the nearest structure to our property. The property line is identified by a fence. The variances are for the house and we believe that the addition to the Brennan home poses no possibility of damage to our property. We support granting the dimensional variances of Parcel #50-22-03-377-017 (203 Henning Street) to Steve and Erica Brennan. Sincerely, Kurt and Michelle Werner, 135 Henning Street, Novi, Michigan 48377".

The second one is from Dorothy Duchesneau, D-u-c-h-e-s-n-e-a-u, at 125 Henning. It's an approval, "difficult lot to work with".

This one is from Michel Duchesneau, D-u-c-h-e-s-n-e-a-u, at 3191 South Lake Drive. It's an approval, "good neighbors, support their improvements".

Next one is from Michele and Dorothy Duchesneau, D-u-c-h-e-s-n-e-a-u, Lot #13, Henning Street, Lakewood Sub, "okay with anything that continues to improve the neighborhood."

Another approval from Kevin P. Murley, M-u-r-l-e-y, at 205 Henning Street.

Another approval from Nick Keesee, K-e-e-s-e-e, at 148 Henning Street, Novi,
Michigan.

Another approval from Suzette Skrobecki, S-k-r-o-b-e-c-k-i, at 132 Henning Street.

Another approval from Phil Muldowney, M-u-l-d-o-w-n-e-y, at 130 Henning Street, Novi, Michigan 48114, "I would think input and approval from owners of plot eight, 135 Henning, 8 plot 11, 205 Henning would be required. Otherwise the man should be allowed to do with his property as he wishes, without the interference with the City of Novi and other neighbors. Novi has proven inept at managing property and repairing rights in allowing the sale of plot 64 on the lake, so I would not expect fair or just enforcement of ordinances in this instance".

That is it.

CHAIRPERSON GRONACHAN: Okay.

Building department?

MR. BOULARD: Just a couple points to clarify.

As the applicants indicated, there is an existing garage and existing home on the site. Both of those are non-conforming in terms of the setbacks from the property lines.
The addition is primarily between them. There will be some of the garage addition, which is -- moves no closer to the property line than the existing, but would actually extend the length of the wall that close to the property line. The same thing for the kitchen portion would occupy additional space required front yard, however, it's still way behind the existing front of the house. So that's one of the reasons that needs to come here, as we are actually increasing the area of non-conformity even though the minimum dimensions are not getting any smaller.

So happy to answer any questions.

Thank you.

MS. RAMSAY: Board members?

MR. SANGHVI: Thank you, Madam Chair.

I came and visited your place on Saturday and looked around. I want to congratulate you for having a large fan club in your neighborhood.

I wholeheartedly support your application. Thank you.

CHAIRPERSON GRONACHAN: Anyone else?
(No audible responses.)

CHAIRPERSON GRONACHAN: I was there Sunday, and your place looks adorable.
And it's unfortunate that there is that much non-conforming of anything. But what a great neighborhood. Congratulations. I'm jealous and if a house becomes available, let me know, I will move in.

Does anybody have a motion?

Member Montville, I see that look in your eye.

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

In Case PZ15-0040, sought by Steve and Erica Brennan, I move that we approve the variances as requested, as the petitioner has established that the current non-conforming lot causes a practical difficulty to add an addition, and then to build out on their current lot, given the way the ordinance part of the zones for that particular lot.

The petitioner has established that the property is unique and because it's already existing, non-conforming lot, the only addition the house has already, not currently a factor, is
the slight increase in the size of coverage. The side variances all remain the same, and given the small percentage increase of the total lot size, it will not have an impact on the surrounding neighbors, and it apparently will allow the homeowner to use his residence as he hopes.

With that being said, I move that we grant the variances as requested.

MR. FERRELL: Second.

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

(No audible responses.)

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

MS. RAMSAY: Member Ferrell?

MR. FERRELL: Yes.

MS. RAMSAY: Member Ibe?

MR. IBE: Yes.

MS. RAMSAY: Member Sanghvi?

MR. SANGHVI: Yes.

MS. RAMSAY: Member Byrwa?

MR. BYRWA: Yes.
MS. RAMSAY: Chairperson Gronachan?

CHAIRPERSON GRONACHAN: Yes.

MS. RAMSAY: Motion passes six to zero.

CHAIRPERSON GRONACHAN:

Congratulations. Good luck on your build-out. Great to see you. Happy holidays.

Our next case is PZ15-0041, Bauschat Construction for James Nafso, at 21165 Bridle Run, west of Beck, north of Eight Mile.

The applicant is requesting variances for the city to allow construction of an addition to an existing home.

Good evening, gentlemen. And you are?

MR. Bauschat: I'm James Bauschat, J-a-m-e-s, B-a-u-s-c-h-a-t.

CHAIRPERSON GRONACHAN: And the gentleman with you?

MR. Nafso: I'm James Nafso, the owner, J-a-m-e-s, N-a-f-s-o.

CHAIRPERSON GRONACHAN: Mr. Bauschat, you are the --

MR. Bauschat: I'm the
contractor.

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

MR. FERRELL: Do you both swear to tell the truth in the case -- the testimony you are about to give in this case?

MR. BAUSCHAT: Yes.

MR. NAFSO: Yes.

CHAIRPERSON GRONACHAN: You may proceed.

MR. BAUSCHAT: We have two variances to approve for a 21 square foot addition, with an eight foot variance on the side, and a five foot variance in the rear setback.

CHAIRPERSON GRONACHAN: Can you tell us a little more about your addition.

MR. BAUSCHAT: It's to allow for an indoor pool. It will conform with the existing home, the brick in the roof will match the existing structure. The landscape will be reworked to allow the proper drainage, and pretty much about it.

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

(No audible responses.)

CHAIRPERSON GRONACHAN: Seeing none, is there any correspondence?

MR. FERRELL: Yes, Madam Chair.

Ten notices mailed, two notices returned, zero approval letters received, zero objection letters received.

CHAIRPERSON GRONACHAN: Building department?

MR. BOULARD: Just a couple of things to mention. I did -- one of the things we would normally request or encourage the applicant to do is talk to the homeowners association in a situation like this, and I did speak with the HOA president and also the owner, I believe and -- or the (unintelligible), I apologize, and I understand that they wanted to come, the preference is to come here first and to get the approval, then they will go to the HOA, so they would do that before we have any -- before any permits are issued.

I did speak to the homeowners
association president. I emailed him the drawings, and he said he was going to be in full support of the request and have not had any response from him.

Thank you.

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

MR. MONTVILLE: I have one question.

The 2,200 square feet, you talked about the thought process or how you arrive at that number, whether or not to go bigger or smaller, or --

MR. BAUSCHAT: Based on the pool size, the adequate deck around the pool, so it wasn't a problem for people to pass by each other, so that's pretty much how it came to size.

CHAIRPERSON GRONACHAN: Anyone else?

(No audible responses.)

CHAIRPERSON GRONACHAN: My question is, so why an indoor pool?

MR. NAFSO: We want to use it all year around obviously. My brother moved a
couple of doors down, my cousin ended up moving in, so we have younger kids in mind. I think mine are going to be gone soon, so I figured just enjoy it while we can, get everybody into the house. That was it.

CHAIRPERSON GRONACHAN:

Unfortunately, I will be honest, I did not get out there, but I am familiar with the layout of the property, but there is not a pool there now, correct?

MR. NAFSO: No, we don't have a pool.

CHAIRPERSON GRONACHAN: So by putting the pool in, you wouldn't need any variances, it's just the building itself, that is requiring the -- given the weather in Michigan, especially the fall of late, I can see the need for it.

Otherwise, you are going to be using your pool for two or three months instead of a full 12 months.

CHAIRPERSON GRONACHAN: We initially had an outdoor pool planned, but then we moved to an indoor pool.

CHAIRPERSON GRONACHAN: I
actually think it's a smarter idea. You
know, there is a lot of ways there, okay.

Anyone else have any comments or do
I have a motion from this side of the room
perhaps?

MR. SANGHVI: No comments. Thank
you.

MR. IBE: No comments.

I will take it.

In Case No. PZ15-0041, I move that
we grant the variance as requested by the
applicant.

Because the applicant has
established that there is, in fact, practical
difficulty in building the property, that warrants
approval of the variances.

The petitioner has demonstrated
through his spokesperson that the uniqueness of
the property itself, it's such that if they were
to construct an outdoor pool, they would not get a
variance, but to build an indoor pool, it will
require that it be enclosed. For the fact that
the only way to accomplish this is to get an extra
variance, that is a good enough uniqueness to
grant the variance.
The petition relating to this is not personal or economic hardship, it's simply based on the uniqueness of the property. Strict compliance with the dimensional regulations of the zoning ordinance will unreasonably prevent the property owner from using the property for the permitted purpose. And the petitioner has also established that this is a minimum variance that is required to get it done.

And finally, the request will not cause any adverse impact to the surrounding homeowners, and according to the building department, who has spoke to the homeowners association, presently, I think by phone and they have seen the drawings and they have no problems with it, and we have no objections from the letters that were mailed out.

Based on all of this, I move that we grant the variance as requested.

MR. FERRELL: Second.

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

Member Byrwa.

MR. BYRWA: If I could add an
amendment, what I see as a main factor here, is there an irregular shape of the lot. Seems like a controlling factor on why the variance is needed. It's not a rectangular lot, and if I could add an amendment maybe.

MR. IBE: I will adopt the amendment as made by the member.

CHAIRPERSON GRONACHAN: It's been moved, seconded, and amended.

Any other further discussion or questions?

(No audible responses.)

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

MS. RAMSAY: Member Ferrell?
MR. FERRELL: Yes.
MS. RAMSAY: Member Ibe?
MR. IBE: Yes.
MS. RAMSAY: Member Sanghvi?
MR. SANGHVI: Yes.
MS. RAMSAY: Member Byrwa?
MR. BYRWA: Yes.
MS. RAMSAY: Member Montville?
MR. MONTVILLE: Yes.
MS. RAMSAY: Chairperson Gronachan?

CHAIRPERSON GRONACHAN: Yes.

MS. RAMSAY: Motion passes six to zero.

CHAIRPERSON GRONACHAN: Merry Christmas, your variance has been granted. Please see the building department, and I want to know when the first pool party is.

Our next case, with the speed of lightning here, is P215-0042, Darrell Robertson at 1953 West Lake Drive, west of Novi, south of Fourteen Mile. The applicant is requesting a variance to allow construction of a new deck onto an existing home.

Good evening, are you the petitioner, Mr. Robertson?

MR. ROBERTSON: Yes, I'm also the homeowner.

CHAIRPERSON GRONACHAN: Thank you. Would you spell your name for our secretary and then raise your right hand and be sworn.

MR. ROBERTSON: Darrell, D-a-r-r-e-l-l, Robertson, R-o-b-e-r-t-s-o-n.
MR. FERRELL: Do you swear to
tell the truth in the testimony you are about
to give in this case?

MR. ROBERTSON: I do.

So 1953 West Lake Drive, a 30-foot
wide lot. I'm looking for a variance for 2.5 feet
on one side and 7.5 feet on the other, total
aggregate of 10 feet.

So there is a 15-foot off the
normal variance side lot requirements.

Looking for producing a deck off
the back of my house, which does currently not
have any structure off the back.

And with this structure, I will be
able to enclose the air conditioning unit that's
sitting there, hopefully making it more appealing
visually.

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

Yes. Come on down, please.

MR. HENSON: Hello. My name is
Dan Henson, H-e-n-s-o-n. I am the neighbor
to the north side of Mr. Robertson's
property.
My only concern, our concern is that we are so tight next to each other, I actually thing that the Robertsons should have a deck, and I have no problem with that. I think our issue is -- by the way, thank you for sending us all the documents. It was very helpful. Mr. Boulard has been very helpful in answering some questions this past week.

The only concern I have is the first question is from the house to the extended portion of the lower deck, I couldn't read on the schematic the length of that.

MR. ROBERTSON: Fifteen feet.

MR. HENSON: The second one is, the proposal showed the deck would be 32 inches, which is right compared to ours, like I said, we are six feet, you know, from each other's property. What wasn't stated is the railing above the 32 inches, how many inches or feet would that --

MR. ROBERTSON: Standard requirement is 36.

MR. HENSON: And the third thing is, I'm not understanding completely, once a -- this is from knowledge, once the
approval of the variances are okayed, does the city come out at the end and check to see if it was made to code?

CHAIRPERSON GRONACHAN: I'm going to let the building department answer that question.

MR. BOULARD: The typical mode of events would be if the variance is approved, the applicant would submit permits, keeping with the restrictions, if any, of the approval, the variance, and they would submit drawings and a building permit, that would be reviewed for compliance with the codes and with the variance, the permit would be issued, construction would take place with inspections along the way and the final product would need to not exceed that which was allowed by the variance, and also should match the plans.

MR. HENSON: My only other thing, like I said, it's such close quarters, I just want to make sure there is going to be some blockage of view. We know the second story appears from the schematic, it's not going to block our view from our deck. But that was
our main concern, no surprises since we are so close.

CHAIRPERSON GRONACHAN: Thank you for coming out this evening. Any correspondence?

MR. FERRELL: Yes, Madam Chair. Twenty-five notices mailed, two notices returned, one letter received, zero rejections.

This is an approval from Roberta Wendt, W-e-n-d-t and Livio, L-i-v-i-o, T-r-o-i-a-n-i. "Darrell is my neighbor on West Lake. He has kept up his property. I have no problem with his putting in a deck. The deck will add value to his property, and will go along with all other decks in the neighborhood. I say go for it, Darrell. You have my okay to proceed with your plans."

That's it.

MR. ROBERTSON: So the deck would be very similar --

CHAIRPERSON GRONACHAN: If you have something else to add you can at this time, but usually we -- after --

MR. ROBERTSON: I apologize.
CHAIRPERSON GRONACHAN: Thank you.

Building department, do you have anything else to add?

MR. BOULARD: One point of clarification, if I could.

The plot plan shows the upper proposed deck. And it appears that that's from the front elevation, side elevation that appears that that's about seven feet by 10 feet?

MR. ROBERTSON: Correct.

MR. BOULARD: When I look at the side elevation, there is something at the floor level of the upper deck that looks like it projects out further. Is that the trellis or what is that?

MR. ROBERTSON: For the support on the center to the property, the leg is going to be extended slightly forward, rather than right along the corner of the deck.

MR. BOULARD: So the framing or structure that holds the upper -- that holds the upper patio would extend four or five feet out further than the patio, but there wouldn't be a deck on that --
MR. ROBERTSON: Correct.

MR. BOULARD: Essentially a trellis or something like that?

MR. ROBERTSON: Yes.

MR. BOULARD: All right, thank you.

CHAIRPERSON GRONACHAN: Board members? Member Montville.

MR. MONTVILLE: If I may, can you go through the process you went through in designing the deck?

MR. ROBERTSON: Absolutely. So the deck is about the same width as the house. We previously had a variance on the front structure of the house, a three foot variance. So I'm basically extending the deck out the back, while I would be able to enclose the air conditioning unit that was previously sitting there. It also is very similar to many of the decks in the same area. If you went north, you would find three decks with multiple tiers, much the same size, if you went south direction, you find five out of the seven that would be very similar.
CHAIRPERSON GRONACHAN: Member

Montville, do you have any other questions?

MR. MONTVILLE: Not at this time.

CHAIRPERSON GRONACHAN: Thank you. Board members?

Member Sanghvi?

MR. SANGHVI: I came and visited your place on Saturday. You were on the balcony there, you were doing something --

MR. ROBERTSON: Christmas lights.

MR. SANGHVI: My main concern already had been pointed out, whether you are blocking your neighbor's view or not. (Unintelligible). I have no problem supporting your application. Thank you.

MR. ROBERTSON: Thank you.

CHAIRPERSON GRONACHAN: Thank you. Anyone else?

I go on a different day so I'm not stalking Member Sanghvi.

So I was there on Sunday. I have to say that your neighbor next-door is very nice because I would be concerned as well.

That was my major concern. That's why we go out and take a look at this.
There is not much of a view in the back of that house though. I mean, the water is on the other side. That's why, I was like, wait a minute, why is there a deck on this side and not on the back of the house.

MR. ROBERTSON: This deck is to be on the back of the house, just to view the lake.

CHAIRPERSON GRONACHAN: That's where I was confused. I was looking at the --

MR. ROBERTSON: Front of the house?

CHAIRPERSON GRONACHAN: Exactly. I have no problems with this. If there is anyone -- any other questions?

Motion?

MR. MONTVILLE: Madam Chair, I am prepared to make a motion at this time.

CHAIRPERSON GRONACHAN: I'm shocked. Go ahead.

MR. MONTVILLE: In Case PZ15-0042, sought by the applicant, Darrell Robertson, I move that we grant the variances as requested, as the petitioner has
established a practical difficulty with his currently non-conforming lot and adding a deck to this property.

   The petitioner has established that the property is unique due to, as already mentioned, non-conforming nature at this current time.

   The need for the variance is not self-created, for that same reason, and strict compliance with the dimensional regulations of the zoning ordinance, as it's currently zoned, would prevent the applicant from adding a deck to his backyard in a similar fashion to the lots surrounding his property.

   The petitioner has established that the variance is the minimum necessary in this particular case, specifically to also include the coverage of the current exposed air conditioner unit as well as adds value to the property and the surrounding lots, by the very nature of its improved visual esthetics.

   The need for the variance will not cause an adverse affect on the surrounding property, owners and values, so for those reasons, I move that we grant the variance as requested.
CHAIRPERSON GRONACHAN: It's been moved. Is there a second?

MR. IBE: Second.

CHAIRPERSON GRONACHAN: It's been moved and second.

Any further discussion?

(No audible responses.)

CHAIRPERSON GRONACHAN:

Ms. Ramsay, will you please call the roll.

MS. RAMSAY: Member Ferrell?

MR. FERRELL: Yes.

MS. RAMSAY: Member Ibe?

MR. IBE: Yes.

MS. RAMSAY: Member Sanghvi?

MR. SANGHVI: Yes.

MS. RAMSAY: Member Byrwa?

MR. BYRWA: Yes.

MS. RAMSAY: Member Montville?

MR. MONTVILLE: Yes.

MS. RAMSAY: Chairperson Gronachan?

CHAIRPERSON GRONACHAN: Yes.

MS. RAMSAY: Motion passes six to zero.
CHAIRPERSON GRONACHAN: Your variance has been granted, please see the building department and good luck.

Our next case has been postponed until next month, so our final case for this evening is PZ15-0044, JL Geisler Corporation on behalf of Davita Dialysis at 27150 Providence Parkway, south of Grand River, and west of Beck Road.

Would you please like to come on down. Please identify yourself, then be sworn in by our secretary.

MR. BERTAN: My name is Nathan Bertan, N-a-t-h-a-n, B-e-r-t-a-n. I am the project manager for JL Geisler.

MR. FERRELL: Do you swear to tell the truth in the testimony you are about to give for this case?

MR. BERTAN: Yes.

So Davita is going to be located on the same, not the same property, but in the same area as Providence Hospital.

But unfortunately, they are not going to get any kind of space on any of their directories.
So from what I was told, and from what the sign code appears, Davita is only allowed one sign, period, whether it's a wall sign or it's a ground sign.

The problem that we see is that as we approach Grand River or as we go down Grand River towards Beck, with the wall sign what we are currently proposing, it won't be able to be seen.

But if we moved it to the other side of the building, you go the other way down Grand River, you won't be able to see it either.

So we need a ground sign facing perpendicular to Grand River to be able to be seen by both sides because there is no other way of identifying the location of the building.

CHAIRPERSON GRONACHAN: Okay.

MR. BERTAN: In addition, there is a hotel that's behind Davita on the second Grand River entrance, headed towards Wixom Road, they have a wall sign that faces Grand River, and they are also on two of Providence Hospital's directories, so we are just looking for similar exposure to what businesses have already on the property.

That's about all I have.
CHAIRPERSON GRONACHAN: Thank you very much. There is clearly no one in the audience left tonight, despite our speedy review.

Correspondence?

MR. FERRELL: There was 40 notices mailed, zero letters returned, zero approval letters received, zero rejection letters received.

CHAIRPERSON GRONACHAN: Thank you. Building departement?

MR. BOULARD: Nothing to add. Thank you.

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

MR. SANGHVI: Will you do me a favor and put your location of the dialysis center as in reference to the main hospital itself? Put it on the screen for people at home.

CHAIRPERSON GRONACHAN: Can you put it on the -- do you have a drawing with you?

MR. BERTAN: Not in reference to its location compared to the hospital.
MR. SANGHVI: Where are you located in reference to the main hospital then also I think you put one in the packet here.

MR. BERTAN: Basically as you head down Grand River, towards Wixom Road, there are two entrances to the hospital. They are closest to the second entrance.

MR. SANGHVI: I'm just trying to be -- for the people at home, where this dialysis center is going to be, that's why I asked.

MR. BERTAN: It would be directly across the street from where Home Depot and Kroger are. I don't know if that helps.

CHAIRPERSON GRONACHAN: Right across from Applebee's.

MR. BERTAN: That works, too.

MR. SANGHVI: Main frontage is going to be along Grand River far away from Beck Road?

MR. BERTAN: Yes.

MR. SANGHVI: I understand your need and everything, and I have no hesitation in supporting your need for the sign there,
that the people should know where it is. But it will be nice if you will explain to people where this is going to be located, in the whole main campus --

MR. BERTAN: The unfortunate part is we are not actually part of the campus.

MR. SANGHVI: Thank you.

CHAIRPERSON GRONACHAN: Member Ferrell?

MR. FERRELL: I just had a question. You're saying, just from looking at this here, I see where the construction is beginning, where it's going on right now.

How are you not able to see the wall sign, if you were to put it on facing south from Grand River?

I guess I'm confused on how you're not seeing it? Is that -- am I misunderstand?

MR. BERTAN: I think so. Because of the design of the building, if you look at the site plan that we provided, there is actually a canopy that jets out.

And it will obstruct the view of the wall sign in either direction.

Basically if we were to move the
wall sign on the opposite of the building, we were -- it would just be blocked from the other way down Grand River.

Other than the putting it directly on the canopy, which I believe the sign regulation says we can only have a 24 square foot sign to put it on the canopy, that's just too small to be seen from Grand River.

MR. FERRELL: Thank you.

CHAIRPERSON GRONACHAN: Anyone else?

I was out there on Sunday, and yes, you can see your building when you enter in off Grand River, but you have no idea what the building is.

And the concern that I had for the business, not that I would not support this, I am in support of this, that's rare for me, because of all the signs, but having said that, as this development continues, it will be harder and harder to see that building.

We don't know what else is coming down the road. And when you're going down Grand River, it's unfortunate that you can't make it into the directional sign, but this particular
type of treatment center, it's not like you're going there for a checkup, am I right?

MR. BERTAN: That is and is not true. They do have acute services. So there are unplanned visits there.

CHAIRPERSON GRONACHAN: So which is even more reason for the proper identification.

My point being is that when you're not feeling good, and this is a dialysis center, this is not -- you know, you are not just going in for, you know, a routine checkup.

Then you usually are probably not able to drive, you have somebody else driving you.

MR. BERTAN: In most cases.

CHAIRPERSON GRONACHAN: In most cases. And so to be driving around that big complex, it would be a burden to do that.

The way the building is right now, you can find it because it's the only building on that property, but I don't see in the future that happening, especially, I know that Providence has been in front of us on other occasions for other expansion, and so given the uniqueness of this building, the difficulty that you have seeing it
from Grand River, the fact that Providence Park
will not allow you on their directional signs, and
also the shape of the building, that is probably
why I would support -- as well as the urgency of
finding the building. That's why I would support
this. Thank you.

Is there anyone else?

Is there a motion?

I really think that because it's
the last one, of the last of 2015, you should go
out with a bang.

MR. IBE: Thank you, Madam Chair.

I will make the motion.

I move that we grant the variance
in Case No. PZ15-0044 for Davita Dialysis. The
petitioner has shown practical difficulty that
warrants approval of the variance because of -- as
we had discussed earlier, the shape of the
building itself, and the fact that the petitioner
cannot get on the directory for the main property
holder of the campus, which is Providence Park,
and the visibility from Grand River, to warrant
that the sign be put out there.

And also the fact that the patients
that come to this -- that will eventually come to
this facility, definitely patients that require a bit more carefulness in locating where they are going.

Any time you have something that involves health, you do need to pay more close attention.

So based on that practical difficulty, there is a sufficient basis to grant the motion.

Also, the petitioner will be unreasonably prevented, you know, from making the most use of this property if this sign is not there. Of course, petitioner wishes to ensure that the patients who are to visit this place and find it, that they eventually get the kind of customers that they desire.

And as we said already, the property is unique, due to the shape and where it's located right now on the campus itself.

This condition is not self-created by the petitioner.

Unfortunately, Providence will not allow them on the sign, so unfortunately, the petitioner will need to have an extra sign in order to allow for more visibility.
The relief will not unreasonably interfere with adjacent or surrounding properties.
We have not seen any objections from the main property holder, that being Providence or anybody who is on this campus right now.

And granting this relief will be consistent with the spirit and intent of the zoning ordinance.

According to what we had discussed, the presentation made by the presenter for the applicant as well as the documents submitted, I move that we grant the variance as requested.

MR. FERRELL: 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 Ferrell?

MR. FERRELL: Yes.

MS. RAMSAY: Member Ibe?

MR. IBE: Absolutely, yes.
MS. RAMSAY: Member Sanghvi?

MR. SANGHVI: Yes.

MS. RAMSAY: Member Byrwa?

MR. BYRWA: Yes.

MS. RAMSAY: Member Montville?

MR. MONTVILLE: Yes.

MS. RAMSAY: Chairman Gronachan?

CHAIRPERSON GRONACHAN: Yes.

MS. RAMSAY: Motion passes six to zero.

CHAIRPERSON GRONACHAN: Your variance has been granted. Congratulations.

MR. BERTAN: Thank you very much. Have a good holiday.

CHAIRPERSON GRONACHAN: We have some other matters to discuss, and before we get into the big earth shattering news, I understand that the updated rules of conduct --

MR. SAARELA: All that we did is we took from the rules of procedure, the rule regarding the full board and copied it into the rules of conduct just so it's out there in the hallway, so it doesn't have to be repeated at every meeting.
That's all it is. It's word-for-word what's in the rules of procedure.

CHAIRPERSON GRONACHAN: Do we have to approve this or do we have to vote on it?

MR. SAARELA: You could vote on it, just a voice vote.

CHAIRPERSON GRONACHAN: So all of those -- all of you, I'm sure you reviewed the new procedure -- or the new rules, and is there any other further discussion?

(No audible responses.)

CHAIRPERSON GRONACHAN: All those in favor of accepting the rules as presented by the city attorney say aye.

THE BOARD: Aye.

CHAIRPERSON GRONACHAN: All ayes.

Therefore, the new public hearing rules of conduct for the City of Novi Zoning Board of Appeals has been approved.

MR. BOULARD: If I could ask, for Case No. 5, that's being requested to a delay until January, if it would please you, I'd like to suggest that be delayed to January 13, the day certain, so we don't have to
readvertise for the public hearing.

CHAIRPERSON GRONACHAN: January 13.

MS. RAMSAY: January 12.

CHAIRPERSON GRONACHAN:

January 12. I wrote July. Can you tell where my mind is at.

It's okay, we don't have to make a statement or a motion or anything to postpone?

MR. SAARELA: Correct.

MR. BOULARD: January 12, my apologies. Thank you.

CHAIRPERSON GRONACHAN: So this is our last Zoning Board of Appeals meeting for 2015.

Also tonight sadly is the end of an era, so to speak. Well, it is an era.

Member Ibe, who joined the Zoning Board in 2005, has decided not to continue with us and we took a vote and we said, no, you can't go.

And then they told us that our vote didn't count when it came to that.

We got you a little something. And I want to say, Rickie, you know, we appreciate the fact -- all of us appreciate -- it's a bottle of
booze, you're going to need it after you leave here.

We all appreciate the fact, number one, that, you know, we are all volunteers, we all give back to the community, and when I came back here in 2012, you were in the forefront, helping me and welcoming you back, I appreciated that.

And, you know, people talk about we as members -- I mean, we are not city council, we are the ZBA, and people look at that as no big deal.

We still represent the city. And you take it with great pride and always done a great job.

So on behalf of this board, you have to open this here. This is just a little something to let you know we are going to miss you and we would like to thank you for your service.

MR. IBE: Thank you.

CHAIRPERSON GRONACHAN: Do you have anything else to say?

MR. IBE: Absolutely. Madam Chair, I truly thank everyone here in how we function. I think it makes coming here, you know, once a month, more delightful. We
joke, we don't take ourselves too seriously. We do the work that's required, even when we disagree, we get it done, definitely, it's quite a lot, you know, and we know that Member Sanghvi and Member Krieger are the two members that probably came before me, and all that are sitting here right now.

But it feels good to know that we have a few people that have come in and everyone is (unintelligible), the city attorney and the rest of the gang, you know, always so helpful.

You know, I was going to -- I thought about this, going on for the -- and doing this a little bit more, but anyone who knows me knows that, like I said, I am true believer that coming here is not a right, but a privilege. And when you do public service, it should be a privilege. You don't (unintelligible) because there are qualified people out there that can do it as well. So you give people a chance, that's just how I see, government and governors, where there is a volunteer or paid position, it's not about right, a privilege. That privilege I take seriously. I thank the city and there is a few of them in my life that have been very, very good so
Thank you so much for everything. I appreciate this.

CHAIRPERSON GRONACHAN: You need to open your gift.

MR. IBE: Sure. Oh, my goodness, gracious. That's really nice. Thank you very much. I really do appreciate this.

CHAIRPERSON GRONACHAN: You are welcome.

Are there any other matters that anyone wishes to discuss at this time?

(No audible responses.)

CHAIRPERSON GRONACHAN: Seeing none, is there a motion -- we all in agreement to adjourn the meeting? All those in favor?

THE BOARD: Aye.

CHAIRPERSON GRONACHAN: Merry Christmas, Happy New Year, meeting adjourned.

(The meeting was adjourned at 8:10 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 6th day of January 2016.

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