REGULAR MEETING - ZONING BOARD OF APPEALS
CITY OF NOVI
September 15, 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, September 15, 2015

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

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, September 15, 2015
7:00 p.m.

** ** **

CHAIRPERSON GRONACHAN: At this
time, I would like to call the September 15,
2015 Zoning Board of Appeals meeting to
order.

Would you all please rise and
Member Krieger will you lead us in the Pledge
of Allegiance.

(Pledge recited.)

CHAIRPERSON GRONACHAN: Thank
you.

Ms. Ramsay, will you please
call the roll.

MS. RAMSAY: Member Ibe?
MR. IBE: Present.
MS. RAMSAY: Member Krieger?
MS. KRIEGER: Present.
MS. RAMSAY: Member Sanghvi?
MR. SANGHVI: Present.
MS. RAMSAY: Member Ferrell is
absent, excused.

Member Byrwa?

MR. BYRWA: Here.
MS. RAMSAY: Member Reichert is
absent, excused.

Member Montville?
MR. MONTVILLE: Here.
MS. RAMSAY: And Chairperson
Gronachan?

CHAIRPERSON GRONACHAN: Present.
Thank you.

Welcome everyone on this
beautiful September evening. It's a shame
that we all have to be in here, but we will
try to get through this as quick as possible.

In the back there is a list of
rules for this meeting. I ask everyone at
this time to please turn off your cellphones,
if you would, during the meeting.
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I also ask that if there is

people in the audience that wish to make a

comment on a particular case, be sure that I

see you -- they have the lights up tonight,

so I think I will catch everybody, but in

case we miss you, please just raise your hand

or come to the front row, if you have a

comment on that particular case only.

Are there any changes to the

agenda this evening?

Case number two?

MS. RAMSAY: Yes, one

cancellation. Sorry.

CHAIRPERSON GRONACHAN: So board

members, case number two or Case No.
PZ15-0019, has been canceled at this time.

Are there any other changes?

(No audible response.)

CHAIRPERSON GRONACHAN: Seeing

none, all those in favor of approving the

agenda as-is, say aye.

THE BOARD: Aye.

CHAIRPERSON GRONACHAN: Any

opposed?

(No audible responses.)

CHAIRPERSON GRONACHAN: None.

The agenda has been approved.

We had two sets of minutes in

our packet, approval for the July 14 minutes.

Were there any changes or additions to the

minutes?

(No audible responses.)

CHAIRPERSON GRONACHAN: Seeing

none, were there any changes or additions to

the minutes for the August 11 meeting?

(No audible responses.)

CHAIRPERSON GRONACHAN: Seeing

none, all those in favor of approving both

the July 14, 2015 and August 11, 2015 minutes

say aye.

THE BOARD: Aye.

CHAIRPERSON GRONACHAN: The

minutes have approved.

At this time I'm asking the

audience if you have to -- if you would like
to make any comments to the board this
evening in regards to anything other than what's on the agenda, you can come down and do so now.

Is there anyone in the audience that wishes to do so?

(No audible responses.)

CHAIRPERSON GRONACHAN: Seeing none, we will move onto our first case. Case No. PZ15-0010, Peter Stanaj, vacant parcel on south side of Nine Mile Road east of Napier. Would you like to come down.

Is the petitioner here?

The applicant is requesting variances from the City of Novi to allow construction of a new single home.

 Members, if you remember, Mr. Stanaj was here two months ago and we tabled this for further additional information.

So ladies and gentlemen, if you would please, if you're all going to testify, please state your names, spell it for the secretary, raise your right hand and be sworn in by Member Ibe.

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

MR. GEORGE: Steve George. I'm the legal representation for Mr. Stanaj, S-t-e-v-e, G-e-o-r-g-e.

CHAIRPERSON GRONACHAN: You're an attorney?

MR. GEORGE: I am.

CHAIRPERSON GRONACHAN: You won't have to be sworn in. Thank you.

MR. STANAJ: My name is Peter Stanaj. I am the owner of the property.

CHAIRPERSON GRONACHAN: So the two that are not attorneys --

MR. GEORGE: Mr. Stanaj and Ginger.

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

MR. IBE: Do you swear in this
case to tell the truth and nothing but the truth?

   MR. STANAJ: I do.
   MS. MICHALWSKI-WALLACE: I do.
   CHAIRPERSON GRONACHAN: Whoever would like to go first and start your presentation.
   MR. GEORGE: Thank you. Just real brief again. My name is Steve George and I'm the attorney representing Mr. Stanaj in this matter.
   As you had indicated, Mr. Stanaj was here I believe on May -- early May 2015.
   At that time, there was an adjournment. In reading through the documentation that's been provided with regard to today's hearing, it appears the adjournment in large part was because Mr. Stanaj was requested to provide a layout or some formal plan, at least a diagram design of what's proposed of how it's going to be.
   Attached to the packet is an actual diagram of the house that he's proposing to build. It's about 2,700 square feet. It was submitted on May 21st, stated as such.
   We have again with us, Ginger Michalski-Wallace who is with Alpine and she was responsible for the -- I believe she was here last time as well. And she can answer any questions with regard to the sketch, any issues with the setbacks. Both she and I can answer. Of course, we have Mr. Stanaj who can answer any questions or address any issues with regard to his intentions on the building of the house, and some of the other questions I think that would be follow-up to the original meeting that occurred in early May.
   CHAIRPERSON GRONACHAN: Thank you. Is there anyone in the audience that wishes to make comment at this time in this case?
   MR. EWING: There is four of us
9-15-15

CHAIRPERSON GRONACHAN: Come on down, please.

MR. EWING: Good evening. Mike Ewing, 22350 Waterland Drive, Northville. I hope the board has had the opportunity to look at the property.

CHAIRPERSON GRONACHAN: They don't need to be sworn in?

MS. SAARELA: No.

MR. EWING: I'm a lawyer anyway, but I can be sworn in, if you choose. I have the house -- as you drive down Waterland Drive, I am the house immediately to the right of the subject property. And I was here in May and objected at that time.

The board asked Mr. Stanaj to give plans -- detailed plans of what he intended on building there.

The board was very gracious with him in terms of time. He said he needed three months, but then took four months and five days after the original hearing he submitted a one page document -- with something from I think Architectural Digest. That's not what the board instructed him.

But be that as it may, I live again immediately to the right of the subject property, and I bought that property, my property in 2009, with the express understanding that that lot next to me was non-buildable. The neighbor next on the other side did the same thing. And I don't know if the board has had an opportunity to look at the property, but I do have some pictures that I think are interesting, that the board would take an interest in.

I don't know how to show these.

CHAIRPERSON GRONACHAN: Set it on there and it will turn on.

MR. EWING: So that's the corner of my house and the lot -- the subject lot that they proposed to build on is right there next to it, that's about 15 feet from the
corner of my house. And the house that they
plan to build. That's one picture.
Here is -- there is another
one showing how close this proposed structure
is to the house, and to allow this will be
tantamount to having them a build a house in
my backyard, right outside my window. That's
what is going on here.
Here is another photo from my
next-door -- the house on the other side of
the lot, next to the -- so you have the lot
and the subject lot, my house on the right,
this house is the left. This gentleman's
property butts right up against the subject
property where he chooses to build the house.
He has got an above-ground deck. This is not
a detailed plan of what is expected.
At the first hearing, he
indicated that the house would be facing Nine
Mile, as you drive down Waterland Drive, all
the houses face Waterland Drive, as you drive
down with this structure that he proposes you
will be facing -- you would be looking at the
back of his structure. It's clear that you
understand that. This is not like kind and
quality. All these homes have acreage, built
on an acre. You have this home coming in,
built in the back of my bedroom window. I
absolutely object to it. I objected then. I
object now.
He bought this property in
1988 for $5,000. He told us after the first
hearing that he's the one that sold and
developed all this property. He knew very
well that the lots in that subdivision were
all an acre.
And now to come back after 30
years and say I want to build something
knowing what the restrictions were, is
totally objectionable.
CHAIRPERSON GRONACHAN: Thank
you, sir. Do you have anything else?
MR. EWING: Not unless there is
questions.
CHAIRPERSON GRONACHAN: Not at
this time. Thank you.
Next.
MR. MULLIGAN: Mike Mulligan, 22330 Waterland. I live next to Mr. Ewing.

Once again, what he pretty much is what I believe also. Is that the owner of that property after meeting a week, a month ago, we made it pretty much -- like he made a bunch of money off the property, he has his property and came out and said boys, if you want to buy it, this is the price. We are like buy it, you can't build anything on this thing. Why are you trying to extort us to put -- because I don't believe he's planning to live on this property. It's just a piece of property he's trying to make a buck, turn around, put up a spec home, when it's going to affect the value of all of our nice homes in our subdivision.

So once again, I object and thank you very much.

CHAIRPERSON GRONACHAN: Thank you.

MR. DWYER: Hello. My name is Jim Dwyer at 51072 Sunbay Drive. Just kind of piggyback on the voice of the other two gentlemen. You know, the restrictions that we have for the 100 houses in that area are pretty tight. We are all on one plus acre.

And I think the property that they are looking at building on clearly is much smaller than that. And in addition they're looking for variances to push the house back into the neighbor's yards even further and quite honestly potentially devaluing their property. I don't know how the board could potentially look at that and make that decision, to allow that to happen, thus possibly reducing the value of these existing homes around it. And I think that's something we have to really look hard at.

CHAIRPERSON GRONACHAN: Thank you.

MR. MENSER: Charles Menser, 22235 Waterland Drive, I'm a few houses down. I bought one year before Mr. Ewing, who is directly right to these trees, this small parcel, I have the same objections. I don't
like the idea of my neighborhood being changed, potentially dropping the value of my property, by a house that would not fit into our road, but would be very close to it, looking like an outhouse almost to our properties.

And so I'm here with the same feelings and I object to the building of this property. Thank you.

CHAIRPERSON GRONACHAN: Thank you. Is there anyone else in the audience at this time?

MR. EWING: I wonder if I could make one follow-up comment.

CHAIRPERSON GRONACHAN: Make it quick.

MR. EWING: I want to make sure that the board was aware of a letter from another neighbor that was dropped off today. We are going to get to that.

CHAIRPERSON GRONACHAN: Thank you.

MR. EWING: Thank you.

CHAIRPERSON GRONACHAN: Seeing none, Mr. Secretary, is there any correspondence?

MR. IBE: Yes, Madam Chair, thank you. There were nine letters mailed, one letter returned, one objection, zero approval letters received. The sole objection letter that was received is from Joshua and Natalie Reed, who reside at 22310 Waterland Drive, in Northville. And it reads, "Reference Peter Stanaj, West Nine Mile various requests. To whom it may concern. There has been a request for some variances by a Mr. Peter Stanaj, in an attempt to build a home on the vacant land located on the south side of West Nine Mile Road, just east of Napier. As a resident in Park Place Estates, which is adjacent to the property in question, I find this request deplorable. I, Natalie Reed, am also a listed broker and I cannot figure out how a potential structure on this lot would ever make sense to the existing homes around the potential building or for the potential
building itself. The lot is an odd shape. The backyard would be very unsightly for the existing properties in Park Place Estates. The rear of the house will have to be almost even with the front of the homes on the cul-de-sac on Waterland Drive. If a building was constructed in the proposed site, it would negatively impact the value of the existing homes, close in proximity because of unsightliness due to the fact that construction will need to be so close to the other structures, which is not evident our neighborhood. Every other home in Park Place Estates is seemingly an acre and the distance between the neighbors is quite consistent. Additionally Park Place Estates has standards in an effort to positively impact everyone's property values, and there are no good guarantees the quality of the structure would be consistent with the neighborhood that a structure would be inserted into. Please deny the request for the attached variance requested. Regards, signed Joshua and Natalie Reed." That's it, Madam Chair. 

CHAIRPERSON GRONACHAN: Building department?

MR. WALSH: The only comment I have is the applicant submitted a one page document dated May 21st, however, the document shows a proposed deck on the plan. No variances were advertised for the deck, due to -- that wasn't part of his request, so it's just for the house, any future decking would have to come back in front of the board. Thank you.

CHAIRPERSON GRONACHAN: Thank you building department.

Board members?

MR. BYRWA: You know, when this originally platted out, does anybody have any knowledge was this designed to be a subdivision park for the immediate parcels in that area or it just seemed like an odd cutout, there had to be some kind of intent on why it was done that way.
CHAIRPERSON GRONACHAN: You can address that to the petitioner and his attorney. Would you please come back up. I don't know if you heard Member Byrwa's question.

MR. GEORGE: It was with regard with to the plot. I will let my client address that. I think he has more of an understanding of a historical component to the lot. I also, too, if permitted, I'd also like to respond -- not now, but --

CHAIRPERSON GRONACHAN: We will get to that.

MR. GEORGE: Thank you. Did you hear the question? I'm sorry -- can you --

MR. BYRWA: I was just wondering when it was originally platted out, if that was designed to have some kind of benefit to the immediate parcels in the neighborhood, maybe be a subdivision park or something like that where the whole subdivision could benefit from -- it just seemed like a way undersized lot uncharacteristic of the neighborhood.

MR. STANAJ: No. Whenever I bought it, I knew one day I would build a house there.

MR. BYRWA: So everybody else has over one acre lots and you have something maybe a quarter acre where you thought you would build a house on that?

MR. STANAJ: Yes.

MR. BYRWA: Okay.

CHAIRPERSON GRONACHAN: Any other questions?

MR. BYRWA: No, that will be all.

CHAIRPERSON GRONACHAN: Thank you. Member Montville?

MR. MONTVILLE: I guess I need help with this. When you were looking at potential models, the one you have proposed, was there any consideration for a smaller house that would fit within the ordinance without having to ask for a variance request?

MR. STANAJ: I think that the
plan -- looking to build there pretty much, I know it's -- that house can build up to 3,000 square feet, and I know that subdivision there, it's a lot of houses under 3,000 square feet.

So I don't know how they saying, you know, lose the value of their homes, with the house because they're back-to-back -- these streets in the subdivision, the houses are back-to-back, you know. So from my house if I look in the back, I see their -- back of their house, so they want to -- if they want me to turn my house, so facing same way their house, you know, I can't --

CHAIRPERSON GRONACHAN:

Mr. Stanaj, thank you. Just one more -- the question from Member Montville was could you build a smaller house than the size -- I don't know that you are addressing his question.

MR. STANAJ: Yes, I might be able to build a smaller house.

CHAIRPERSON GRONACHAN: Do you have any other questions?

MR. MONTVILLE: I'm all set.

Thank you.

CHAIRPERSON GRONACHAN: Do you have any questions?

MR. IBE: Yes, I do.

CHAIRPERSON GRONACHAN: Member Ibe.

MR. IBE: Mr. Stanaj, for you and your party, if I recall, was this the same case where the neighborhood association was here the last time? That's not the case?

CHAIRPERSON GRONACHAN: No.

MR. IBE: Just making sure. Did you, in fact, buy this property in 1988 as alluded to by one of the gentlemen that spoke?

MR. STANAJ: I am not quite sure what year it was, but I believe somewhere in that --

MR. IBE: Are you the developer?

MR. STANAJ: Yes.
MR. IBE: Did you develop this particular subdivision?
MR. STANAJ: Actually, I'm not a developer. Let me strike that. I am a builder.
MR. IBE: So you built the homes in this subdivision?
MR. STANAJ: No.
MR. IBE: Do you know what the minimum square footage is for the homes in this neighborhood?
MR. STANAJ: I drive by there, and just looking with my eyes I see a lot of houses probably under 3,000 square feet.
MR. IBE: That can be easily verified, I'm sure through records. I'm sure we know what the minimum square footage is. But the lots in this neighborhood are an acre from what I hear. These are all one acre lots.
MR. IBE: What is the size of your lot that you propose to build on?
MR. STANAJ: The lot size?
MR. IBE: Yes, sir.
MR. STANAJ: It's 115 by 115.
MR. IBE: Which is significantly less.
Do you know if this neighborhood, they have an association?
MR. STANAJ: I don't know, not without the subdivision -- I'm separate from the subdivision, I guess.
MR. GEORGE: And if I could -- I know a lot of the questions -- I just want to make sure the board knows that this particular lot is not made up of the Park Place subdivision, it's not part of the subdivision or any association that may exist.
So any issues with regard to minimum requirements of a particular subdivision, Mr. Stanaj would not know because he does not -- he doesn't have any information with regard to it. He's not within the boundaries of the subdivision.
MR. IBE: Very well. Very well. Let me ask you a hypothetical question, sir.
Let's assume for all intents and purposes that you are -- your neighbor, your potential new neighbors and you own a beautiful home, it's 4,000 square feet and on an acre, and your neighbor, your potential new neighbor is trying to build a house such as the one you just described. How would you react to that?

MR. STANAJ: I mean, they have a right as long as the city approves it, you know, I can't object to it. They approve it, smaller house, city, I guess, you know, that's up to the city to approve it or not.

MR. IBE: Do you think you will be concerned about the property value of your home based on this smaller home, that's going to be, you know, mushroomed next to your property?

MR. STANAJ: This home is not in the subdivision.

MR. IBE: I understand. That was not the question, sir.

The question is, would you be concerned about the property value of your home as a result of this home that's going to be built next to you? That's your neighborhood, the house that you propose that your neighborhood has, that's going to be built next to your acre lot, would you be concerned about it? Truthfully.

MR. STANAJ: They have a right, you know -- you know, if they have a lot, they have a lot there for a long time, the lot is there for them to build, so for me to like it or not, you know, they have a right to build it.

MR. IBE: Thank you very much. I appreciate your time. Thank you.

CHAIRPERSON GRONACHAN: Member Sanghvi?

MR. SANGHV: I come and see your place, I picked the wrong day, it was Friday afternoon, it was raining. I looked around. You have a relatively very small lot. And I really have a problem when there is new construction and they require this kind of
And to be quite honest, I have great difficulty agreeing for this variance. Thank you.

CHAIRPERSON GRONACHAN: Thank you. Member Krieger?

MS. KRIEGER: I have a question from the Nine Mile aspect. If there would be variances because the configuration of Nine Mile and Napier, if the road was paved at any time or widened, the impact onto the property itself, would that decrease it more?

MR. WALSH: Right now the home is proposed at the existing 43 foot half right-of-way, which is also the proposed half right-of-way. When you look at the lot, it's 115 by 115, you also got to take off 43 feet from the center line of the road back, so buildable area gives you 72 by 115.

MS. KRIEGER: If they were to build construction as well, if they were bringing construction vehicles that is going to affect traffic on Nine Mile to build that site, or if a fire truck needed to go by --

MR. WALSH: It shouldn't.

MS. KRIEGER: Also I remember Mayor Clark saying location, location, location, that's always stuck in my mind, so that's an impact when you buy a property and there is something that's unknown near you, however, I also see there is -- if you could explain more how this request is not going to adversely impact surrounding property, property values and enjoyment of the properties of the neighboring district, whether it's in your sub or not, it's a neighbor and to have a site that has certain size homes with one acre lot and then to build on Nine Mile have a separate site, with less that will impact -- that will impact the price value of those homes and the enjoyment of their property.

So I would like you to explain more how that wouldn't because I have a problem with that.
MR. STANAJ: I think, you know, it's not going to hurt because it's not the land, how much land -- the land means something, you know, the people will look at the house, so the house is not going to look worse, a lot of those houses in the neighborhood --

MR. GEORGE: If I might --

CHAIRPERSON GRONACHAN: Go ahead.

MR. GEORGE: Again, there has been a lot of talk about devaluing, and I'm not really sure that there has been any substantial material move that this would devalue. Mr. Stanaj is not building as referred to earlier an outhouse, he's building a house that in all ways will have to have conform to city ordinances.

It's going to be consistent with if you look at the size of the house, consistent with the other houses in the area size-wise.

He's obviously planning to use the same due care and wants to be consistent with what's still there right now. Again, I know there is a lot of talk about devaluing, but I haven't really seen anything that's been presented that would actually substantiate anything that's substantive that would -- changeable that would show that the values of the surrounding houses would be devalued.

MS. KRIEGER: I'm sure if we looked at real estate values or at people --

customers the market for a new home to see all these other homes in this site, and then come up upon a home that's got another home right on top of it, I would be less likely to buy a house with that new building so close impacting, wondering what's going on in that other area. So I beg to differ.

MR. GEORGE: I think that different houses -- depending on lot sizing, sometimes are valued less; in other words, the lot sizes are the lot sizes. The houses that are on the property adjacent to my client's property are still the same size,
the same house.

My client is going to have a house that's going to be consistent with the integrity with the houses that are there with a smaller lot. His house may be valued less because his lot is smaller, but again we are going to the issue of the surrounding, which obviously is one of the characteristics and one of the criteria you have to consider, you're -- I would -- I think it would be remiss of us to just assume that this was going to devalue if there was some material objective measure that we are using to say that this will absolutely devalue the house, then I can understand, but I haven't seen anything put before this board that would support that.

MS. KRIEGER: On my criteria for granting a variance, that's one of the things I have to consider to granting.

MR. GEORGE: I agree with that. It's one of five criteria that you're looking at -- I believe six criteria actually. But again, I would -- I think just that you have surrounding property owners coming before you saying it's devaluing the property, without any -- I don't see a report, I don't see anything from a real estate agent, maybe a broker, anything with regard to statistically --

MS. KRIEGER: Do you have something that shows -- if we are saying that we believe not, then you have something to show that there are other areas that it wouldn't?

MR. GEORGE: You're asking me to prove that it wouldn't devalue --

MS. KRIEGER: That's what would allow me to grant this request. That's your more evidence that you would bring to the --

MR. GEORGE: You're having me prove something that I'm saying doesn't exist. You know, if it exists, then the proof is in the party that's alleging that it does exist, they are alleging that there would be devalue of the house. You want me
to prove that it wouldn't devalue. I can't prove that something doesn't exist.

What is being put before this board is that it would devalue the house. There is no proof. If there was an actual comparison, where it's similar to this devalue the surrounding area, and at this point, I haven't seen anything tangible that would suggest that.

I understand what their argument is and I understand that it falls within one criteria of this board, but at this point, you know, it's speculation.

CHAIRPERSON GRONACHAN: Thank you.

MS. KRIEGER: My final concern would be the -- as the city mentioned, the decreased size of 115 by 115, but considering the road be less than that, so that's it. Thank you.

CHAIRPERSON GRONACHAN: Thank you. I have a couple of things I would like to put on the record before we get to the questions so we can steer this back around and not get into speculation.

First of all, when we were looking at this case, we are given a multitude of information from the building department, via the ordinances, and the zoning of what's going on out in that area.

So these board members look at what the size of the lots are on the surrounding area. We look at -- we drive out to the area to see what is in existence. The first time I went out there, I couldn't find the lot.

And most of us at this table have a history of where Novi is going. These people that live in the subdivision bought under an assumption that it, it may not be in writing, that on these one acre lots, and in that area, it was zoned that way for a reason. And now we have someone who wishes to build something that doesn't fit in the norm.

The residents that live in
that subdivision have every right to be concerned. The petitioner has every right to come before this zoning board.

We as the board look at the case and determine where there are faults, if you will. So before we go into a five hour argument, I'm going to point out the faults. Then everybody can decide where we are going to go from there.

First of all, this petitioner came in front of us with no plans, back in May and said, I have a lot, I want to build a house. We said, okay, but we don't know what size house, we don't know what you want to do, we have no clue, we cannot make a judgment on lack of information, so we sent you back to the table, to do your homework.

I have not heard anything different than what I heard in May. I have disgruntled residents. I have a board that's pretty decisive on where they're heading with this.

So I usually step in at this point when I seeing it going one way or another. It is not the board's job to provide proof of fact.

It is the petitioner's job to present to this board how it's not going to negatively impact the neighborhood.

Now, Member Krieger brought up a very good point and I don't want it to turn into a three hour argument. If there is proof on one side or the other that this is going to negatively impact, then I think somebody should present that to this board. We did our homework.

I will tell you also, that when you're looking at this plot, and you presented those plans, I'm not happy with the plans that you presented.

You presented a plan that doesn't look like it's -- that you gave much thought to, it looks like a carbon copy, if you will, of a house. There is a deck on it. We had to figure out that the deck was not going to be included in the building. We had
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to figure that out. You didn't tell us that.

So I don't feel that you're
doing good enough homework to convince this
board that a house should go on this a lot.
I have safety and -- safety concerns.

So now we have got a house on
a smaller lot, 72 by 115, and when I said can
you build -- a member asked you can you build
a smaller house, you said, yes, but you
didn't tell me what.

And again, it's not up to the
board to figure out. So I'm going to call
for a vote, or I can ask the petitioner and
his attorney -- I'm going to call for a vote
or I'm going to ask the petitioner and their
attorney if they want to go back to the table
and bring substantial proof on why a building
should be put on this lot. And please do not
use the phrase, this is a buildable lot. I
get that. We are willing to hear your case,
but we need substantial information. I do
not want a cookie cutter house pulled out of
a magazine to tell me this is where the house
is going to go. If you would like to be a

member of Novi, and have your home there, I
welcome you.

But I need more information.
I need fact, I don't need fiction. I need
hard core what is it going to look like on
this lot that's 115 by 72. I want you to
talk to the neighbors. I want you to work
with them. I don't care that they're in a
subdivision and you're not. You're
neighbors, and this is Novi. And this is
what we stand for. So we can vote or you can
postpone.

MR. GEORGE: Give me one second

with my client?

CHAIRPERSON GRONACHAN: Certainly.

MR. GEORGE: First of all, we
appreciate the comments. And my client is
serious about pursuing this and satisfying
this board and also being a good neighbor to
everyone.

Having said that, we would
like to postpone the vote. I would though,
if I could, please very briefly, because the
record is being created on some things that have been said earlier, if I could just respond to some of this so we can have a complete record of today's hearing, with the understanding, we are coming back and we will have an opportunity go into more detail with whatever questions might exist after we have had an opportunity to do more homework and provide you with more information.

CHAIRPERSON GRONACHAN: Okay. I agree with that.

MR. GEORGE: Thank you. I will be brief. I'm not looking for a three hour argument here.

CHAIRPERSON GRONACHAN: I appreciate that.

MR. GEORGE: With regard to -- and some of this has already been addressed. For instance, my client did buy this lot he did sell some surrounding lots, but he has not been a developer or builder at any of the lots that surround him at all. That was one issue that was brought up.

There was the issue of the expectation of the property owners around my client. I would just like to make it clear that those expectations were not based on any conversation or any communication between my client in any surrounding property owners. I'm not even sure where those expectations came from. I don't know if they perceived anything in writing. I can appreciate the fact they would have that expectation at that lot that they are surrounding a smaller one would not be built on that, that truly was their expectation, but it had no -- it has no direct connection to my client with any property that he sold, he never made that representation to anybody. It's not from any communication that he had with my client, so I want just wanted to make that clear.

And again, the main issue here is we don't want to come in and not be a good neighbor. We want to be able to satisfy this board and also do something and hopefully --
I'm hoping that just as you had indicated, my client would be reaching out. I hope that would be mutual, the surrounding neighbors will also reach out to my client and try to work with him with regard to this, too.

Having said all, we are prepared to come back at a later date, whatever date has been set to try to address all the issues that need to be addressed.

CHAIRPERSON GRONACHAN: Thank you. Board members, do you have anymore questions?

MR. BYRWA: Briefly, one of the concerns that I had, if there was any research or anything done on accessibility to the utilities, the city, sewer, water, electric and gas, without going through or over any adjacent properties, you know, on site --

MR. STANAJ: I did not check anything.

MR. BYRWA: Maybe that's something you can include when you bring back additional information that you wouldn't be using anybody -- any neighbor's property for your utilities.

MS. MICHALSKI-WALLACE: There is water and sewer across the street on the north side of Nine Mile, at the entrance to the subdivision, just to the east that could be extended based on the elevations to --

MR. BYRWA: You're unsure on gas and electric then?

MS. MICHALSKI-WALLACE: I believe gas is across the road. Electric, I have not looked at electric.

MR. BYRWA: Thank you.

CHAIRPERSON GRONACHAN: Member Sanghvi, did you have a question?

MR. SANGHVI: No. I agree with what you just said. If you'd like it to be tabled, that's fine, otherwise we can go ahead and vote on it.

CHAIRPERSON GRONACHAN: Thank you for your support.
Gentlemen, we are going to table this. I am going to give you 30 days. So I expect that if you would like to accept my 30 day challenge, that would be great. I think that we've dragged this on enough. The fact that we -- you told me that you would be here sooner, then it took another 30 days, I would like to see full plans, this board would like to see full plans of the house, that's dimensions, and I also would reach out to the neighbors in the other subdivision that you're not a member of, but they are going to be your neighbors, okay. And when everybody comes back next month, I want it not to be hostile. So we will see you in October -- what's the meeting --

MR. WALSH: Can I make a suggestion.

CHAIRPERSON GRONACHAN: Certainly.

MR. WALSH: Can we table it to November 10th, due to the -- to provide staff an opportunity to review the information?

CHAIRPERSON GRONACHAN: Absolutely.

MR. WALSH: I think it's going to take more than 30 days for the applicant to get the information back to us, and just in case we have to readvertise. I want to be able to have the opportunity to do that.

CHAIRPERSON GRONACHAN: Absolutely. I just thought that we have a super staff at Novi. That's why I gave you 30 days. But if you would like 60 days, absolutely.

Are you in agreement with that?

MR. GEORGE: We are.

CHAIRPERSON GRONACHAN: So then we will see you in November and no gaps. If the neighbors would like to join us at that point, they're more than welcome. Okay.

In Case No. PZ15-0014, this case has been tabled until November 10th. At that time, the petitioner and his attorney and an architect will be bringing back
additional information.

All those in favor.

THE BOARD: Aye.

CHAIRPERSON GRONACHAN: So moved.

See you in November.

Okay. Our next case is Case No. PZ15-0021, Thomas Herzog, of 207 Charlotte Street.

Mr. Herzog, come on down. The applicant is requesting a use variance from the City of Novi code of ordinances to allow parking of a boat from within the front yard from April 31st -- April 1st to October 31st, sorry about that.

And before the petitioner starts, I just would like the building department, if you would, I know I'm out of order here. But if you could clarify the current ordinance for our board members.

MR. WALSH: Under the parking or storing of recreational vehicles, say boats, they are allowed not to exceed 72 hours. And that is to provide active loading, unloading, doing some maintenance to the boats by there -- or to the recreation vehicles in their driveway. However, there is a -- for the purpose of the ordinance, there is a clause in there that anything over seven days should be considered a violation of this -- of this provision. So that is to include the weekends. So even 72 hours, there might be a day or two that could be a Friday or a Monday, that you don't catch the 72 hours, but basically 72 hours is the max.

CHAIRPERSON GRONACHAN: Thank you very much.

Mr. Herzog, would you please state your name and then raise your right hand and be sworn in by our secretary.

MR. HERZOG: Thank you. My name is Thomas Herzog, T-h-o-m-a-s, H-e-r-z-o-g.

MR. IBE: In this case do you affirm or swear to tell the truth?

MR. HERZOG: Yes.

CHAIRPERSON GRONACHAN: You may proceed.
MR. HERZOG: Thank you. As was stated, I have -- I am petitioning to be allowed to park my boat in my driveway during the warm months of the year.

As Mr. Walsh explained, the current rule is that it's allowed to be parked in your driveway for up to 72 hours.

The part of the ordinance that is difficult for me is that you are allowed to park a boat or a trailer in your side or backyard without that 72 hour variance, or that 72 hour time limit.

And my lot, my house is quite different than the last case, is on a very small piece of land, in which I can't -- I don't have access to get a trailer into the backyard or -- and my garage is not large enough to store a boat trailer.

So basically if I were to -- for me to own a boat and have any ability to keep it at my house, the front driveway is the only place that I could keep it.

Especially considering the last case, that's something that most houses in the area, most houses in the city, they have -- they have either a backyard or a side yard or a garage, or something that would be -- you would be permitted to store a boat.

Additionally, I guess I'm asking for the warm months of the year. I live in the -- I guess, in the lake area, if you want to call it, of Novi, right in between Shawood and Walled Lake, where it's not -- where both of my -- both of the properties adjacent to mine actually do own lakefront property and driving around Walled Lake, it's just very, very common to see boats and trailers.

So in terms of adversely affecting the property or adversely affecting the neighbors, it's something that's -- it's very common, whether it be someone who owns property and the boat is -- you can see it in the water, or whether they're preparing for another launch, or whether it's in surrounding part of their house, in
accordance with the ordinance, it's something that's common around the lake area to see boats.

I have signed -- in the packet I'm not sure if anyone responded to your official letter, but in the packet, I had signed letters from my closest neighbors stating that they had no problems with me parking the boat there during -- they had no problems with my application, so really that's my case.

I believe that it should be something that most people have access to, and I really -- my other options would be to pay for offsite storage, to buy an additional lot or rent an additional lot, which is not available to me.

So I guess that is basically all I have to say.

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

(No audible responses.)

CHAIRPERSON GRONACHAN: Seeing none, Mr. Secretary are there any correspondence?

MR. IBE: Yes, Madam Chair, there were 26 letters mailed, one letter returned, four approval letters received, zero objection letters received.

For the four approval letters, it's a form letter, I presume drafted by the petitioner, and signed by the parties who approved it.

The approval reads, "I support my neighbor Tom Herzog in his appeal to the zoning board committee which would allow him to park his boat in his driveway during the warms months of the year. As I live close to Mr. Herzog, this ruling will affect me, but I have no problem with him parking his boat in the driveway".

This is a form letter that was signed by the parties who agreed. And the parties who agreed are George Street, who is at 117 Charlotte. And the second party lives at 209 Charlotte, the first name is Amy, not
quite -- can't make out the signature for the last name. The third person is Jody Middleton at 123 Charlotte, and the fourth person is Aaron Hern at 307 Duana Street.

That is it, Madam Chair.

CHAIRPERSON GRONACHAN: Thank you. So we called on the building department earlier. Is there anything else that you would like to add since the petitioner gave his testimony.

MR. WALSH: Sure. Just one other item. The lot being non-conforming, he's unable to put it to the sideyard, so the only way he could store it would be the rear yard, just want to clarify that.

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

MR. SANGHVI: Thank you. I came and saw your property and it's the boat in your driveway, right?

MR. HERZOG: Yes.

MR. SANGHVI: It's a very small boat that you are considering and it is -– even though you have a small driveway, it doesn't even completely fill the driveway. And considering everything and the weather, and if you want to use it in the summer, it's good to have it next-door to you, so you can use it, so I have really no problem with it, keeping it in your driveway. Thank you.

CHAIRPERSON GRONACHAN: Member Krieger?

MS. KRIEGER: Question. For the case that we had earlier that is farther down East Lake, they have it in their front yard because the house is really set back. They always have it covered. Would he need to have it covered with a tarp?

MR. WALSH: There is no requirements they have the boat covered. Is that what you are asking?

MS. KRIEGER: Yes.

MR. WALSH: Yes.

MS. KRIEGER: Okay. Also if you can't get it to the backyard and it's a side yard, you're risking damage to your boat. As
the previous members said, I also have no
difficulty with you keeping -- be like having
a car, it's a lake lot, boats go in the lake,
so it's like having a car, only it's a boat.

Thank you.

CHAIRPERSON GRONACHAN: Anyone
else?

MR. MONTVILLE: I have no
problems, given the non-conforming layout of
the lot, and the lake property, also where
the applicant is located on Charlotte Street,
it is farther back towards the back of the --
I'm not sure what that lake is called across
from Walled Lake. So I have no problem
supporting this variance request as well.

CHAIRPERSON GRONACHAN: Thank
you. Anyone else?

I hate to be the bad guy. I
can't support this. The reason why I can't
support it -- first of all, I will tell you
that I am a boater. I spend a great deal of
time on a lake with the people who have boats
in their yards on the weekends and then they
take them off and store them during the week.
I am not comfortable with
going down this road out on that area. I
think that we are going to open up a can of
worms and not everybody -- not every neighbor
in that area is as wonderful as your
neighbors, as you saw in the previous case.

I mean, what if you get
somebody next-door that doesn't want to look
at a boat. I can appreciate the hardship.
But I struggled with this. I was there on
Sunday. I took a walk in the park, at that
beautiful waterfront and I came back and
walked the street and looked at your house
and I saw a big pine tree and clarified that
that side lot was not yours. I thought, oh,
there could be the out. I mean, I looked --
I was out there for about an hour and a half
trying to rest my conscience, not so much
about you, but what we were doing by changing
this ordinance and allowing it during the
summer months.

I can appreciate that there is
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...convenience. I can appreciate the fact that your lot size is what it is. But you have other alternatives and that would be to store it off -- you know, off your property when you're not using it.

I think that we are going on a the slippery slope here. This ordinance stands here for a reason. And it's to protect those houses up here that are lakefront property so they don't have to look at everybody's boats. And I am a long time resident of Novi and I'm well familiar with that area. And I am struggling with this, but with all honesty, if you would like that ordinance to be changed, it has to go through another way, but I'm not comfortable granting the variance for this one and only case.

And board members, again, I say this because I think that we are going to open up Pandora's box and then the ordinance is going to have to be get rewritten. I think it should go the other way, if that's the case, but we are not changing the ordinance.

And I don't see the hardship especially since he can store it offsite just like every other house in Walled Lake, and you know that there is more than one house out there, that doesn't meet that criteria that's storing that boat someplace else.

And I gave this serious consideration, but I will not be supporting your request tonight.

Anyone else?

MR. IBE: Can I ask a question?

CHAIRPERSON GRONACHAN: Absolutely.

MR. IBE: Thank you. Thanks, Madam Chair. In light of what has said, I was not going to make a comment before, but is it true that you have -- do you have an alternative way you can store this boat other than your driveway?

MR. HERZOG: Currently, I do not. I could rent space from, you know, a -- storage lots are available. That's my
alternative, to basically purchase another
lot where I can store the boat or rent
another lot, where I could store the boat.
But as of right now, you know, those -- that
type of -- that either purchasing or renting
that, it's not very cheap.
I have actually looked into
it, and for something that's large enough to
hold a boat, it would be a significant
financial impact.

MR. IBE: How long have you had
this boat?

MR. HERZOG: I purchased it
earlier this year.

MR. IBE: So this is your first
year of owning the boat?

MR. HERZOG: Yes.

MR. IBE: So all this time it's
been parked in your driveway since April?

MR. HERZOG: Yes, so I'm not
exactly sure. I had the boat for maybe two
months before being notified that it was --
that I was breaking an ordinance. And then
after being notified, I took sometime to kind
of, I guess, deliberate what I was going to
do and then, yeah, so basically, yes, it has
been parked there since May.

MR. IBE: Could you tell me what
do you think is the unnecessary hardship that
you will suffer if you don't get this?

MR. HERZOG: Unnecessary hardship
would be that it -- I would have to either
purchase or rent an additional piece of
property, which has significant impact to my
time and money.

MR. IBE: So economic hardship is
what you're claiming, sir?

MR. HERZOG: Yes, it's both an
economic and time impact.

MR. IBE: Which is more personal,
right?

MR. HERZOG: Correct.

MR. IBE: Let me just -- matter
of question to you, sir, that when we
grant -- what you're asking for is a use
variance. When we grant, there is some
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standards that we have to follow. One of the things we have to look at is the issue of hardship. Okay. We also have to look whether or not the condition is not personal or economic hardship, but use based on the word you told me, you told this board, that it's more personal impact and the economic hardship. Based on what I just told you, do you understand how this board will make a decision based on what you have just told us?

MR. HERZOG: I really don't. Can you explain. So what type of hardship -- I guess would be clarified what other type of hardship?

MR. IBE: It cannot be personal or economic hardship.

MR. HERZOG: So --

MR. IBE: What you have described to us appears to be somewhat -- someone who just bought a boat, I'm sure it's very nice, everybody wants to get out on the water, however, it comes at some great cost. For example, sir, I would like to own a private jet, but guess what, it costs money, to put it in the hanger, to put fuel -- jet fuel costs money. So I'm not going to just go buy one because I would love to have it and maybe I'll park it in a field at the school, because that way it's doesn't incur me anymore money, or the personal effect of having to go rent a place. That's based on what this is all about. Do you get my --

MR. HERZOG: I understand that. I guess, I -- in terms of proving hardship, it's not personal or economic. I don't understand what it may be.

MR. IBE: Perhaps you don't have any, that's why.

MS. KRIEGER: Can you park the boat in the backyard?

MR. HERZOG: No.

MR. BYRWA: How far are you missing getting it in the garage?

MR. HERZOG: So I have six inches -- in the report I have put the dimensions, but I have six -- the garage is
six inches wider than the boat. And the
7 garage is feet shorter than the boat. So
8 it's too long to fit in the garage.
9 CHAIRPERSON GRONACHAN: Do you
10 have any further questions?
11 MS. KRIEGER: If I could add, the
12 non-conforming lot, I would approve it for
13 this petitioner, for as long as he had this
14 boat on this property because it's
15 non-conforming, he can't put it anywhere else
16 and also because of the hardship of the lot
17 plus enjoyment and time. You buy a house on
18 a lake you want to use a boat on the lake, if
19 able, and if you can, that's great and the
20 intent, my guess would be, is if he couldn't
21 then the alternative to get rid of the boat
22 so why have a house on a lake.
23 CHAIRPERSON GRONACHAN:
24 Member Byrwa?
25 MR. BYRW: I have a tendency to
0059 agree with the chairperson on this here. It
1 seems like it could have a tendency to create
2 an enforcement nightmare. When one is
3 granted, things have a tendency to grow and
4 spread and a block or two down that maybe out
5 of your signing range and stuff, well, that
6 guy has it in front, and you could not only
7 look at boats, you could look at RVs and
8 motor homes and things like that being
9 invited to park in the driveway and stuff.
10 And it's just -- I think it will create an
11 enforcement nightmare and it sets a bad
12 precedent. To me, it's kind of a
13 self-created hardship. You probably had the
14 house then bought the boat and then knowing
15 that you probably should have checked the
16 dimensions of the boat to make sure it fit in
17 the garage, but now you didn't -- you
18 self-created the hardship and now you're
19 coming and asking for relief. Which I don't
20 think that's right, so in that respect I will
21 be voting no.
22 CHAIRPERSON GRONACHAN: Do you
23 have anything else to add at this point?
25 MR. HERZOG: Yes, I guess I
0060 understand some of the difficulties that
would create in patrolling.

I would like -- there may be more than one other house on the lake that fits this set of circumstances, but there aren't many, at least driving around in terms of having a garage that is even a one and a half car garage or having access to a backyard, I know that the other houses on my street all meet those qualifications.

And now there are only six houses on my street, but it's not something that everyone has an issue with. And, you know, I know that basically it may not make a difference, but for what it's worth, when I purchased the boat, I wasn't aware of the ordinance because it's a very common thing to see boats on the lake.

I don't think that anyone who is driving around the lake is going to be -- is going to notice that there is a boat there and think that that is something that's out of place, that it shouldn't be there.

MR. BYRWA: But generally how that zoning ordinance works is that front setback, forward of the front bearing wall of the house is kind of a sacred area and it gets real delicate when you start bringing your lifestyle out in the front yard for whatever use or whatever and stuff. Like I said, it's kind of an off-limit area, like a sacred area that everybody is required to honor a certain setback and not use it for their own personal, you know, gain or benefit.

MR. HERZOG: I do understand that. I just -- I think that in this area, where the houses are already so close together and the lakes are already there, it's a little bit different, it's not quite as sacred when I can look out of my house and see seven other people's backyards, front yards, when you can walk down the street and see into someone's -- see into the lake, into their back yard in their front yard. I think that the -- well, again that's a problem with that ordinance, not the exception, but, and I do think it's a little bit of a different
scenario in this area rather than the rest of city, you know, that is my opinion.

CHAIRPERSON GRONACHAN: Thank you. Any other comments at this time?
MR. SANGHVI: No more comments.
CHAIRPERSON GRONACHAN: Do we have a motion? Would someone like to make a motion.
MR. IBE: Madam Chair, in Case No. PZ15-0021, 207 Charlotte Street, I move that we deny this variance sought by the applicant because the petitioner has not established an unnecessary hardship.

The petitioner has not established a hardship regarding the designation of the property, as the property can be used as zoned.

The petitioner stated on the record that he purchased this boat sometime this year so he owned the home first before he bought the boat, and he also said he wasn't aware of the ordinance which certainly is not an excuse because the ordinances are always going to be there.

It is the applicant's duty to look for the ordinance when they buy the property, so whatever they intend to use it for, it is not the other way around, for the ordinance to seek you out when you buy personal properties.

And the setback of the house is such that the occupant cannot really put the boat in a garage because it's small and cannot get to the back and that it will incur him economic hardship, if he were to store the boat off site, off the property and he will have an impact of not being able to get to this boat when he needs because he lives on a lake.

Unfortunately, that did not meet the criteria of hardship under this ordinance.

Petitioner has not established unique circumstances or unique physical conditions regarding this property exists to warrant this variance.
I must also give some credit that the petitioner's property is a non-conforming lot and we all already know that.

However, the ordinance, the way it's written, is meant to protect, one of the members that described, as a separate part of a lot, which is the front yard, not allowing our personal lifestyle to encroach upon that sacred area that is enjoyed by everyone.

The variance request is based on petitioner's personal and economic hardship, and by the petitioner's own admission and statement that has been proven and demonstrated today.

The proposed use will alter the essential character of the area. Well, this is an area where Madam Chair and other members has also mentioned that granting a variance of this nature will be open Pandora's box; in other words, allowing for more of this, it will become the norm instead of the exception. While it is true that it is a lake area and people, of course, do own boats in the lake area, however, they also must find a way to store it so that it does not affect the ordinance and also makes it easy for the character of the neighborhood to be maintained.

Finally the petitioner has created the need for the variance. Unfortunately, petitioner bought the boat, he didn't check the ordinance and didn't understand what the rules are, and simply has other alternatives as to where he can store this boat.

Based on the petitioner's own statements, information provided, the conversations that have been had today by the members, as well as the contribution from the building department, I move that we deny the petition.
CHAIRPERSON GRONACHAN: It's been moved and second. Secretary Ramsay, will you please call the roll.

MS. RAMSAY: Member Ibe?
MR. IBE: Yes.
MS. RAMSAY: Member Krieger?
MS. KRIEGER: No.
MS. RAMSAY: Member Sanghvi?
MR. SANGHVI: No.
MS. RAMSAY: Member Byrwa?
MR. BYRWA: Yes.
MS. RAMSAY: Member Montville?
MR. MONTVILLE: No.
MS. RAMSAY: Chairperson Gronachan?
CHAIRPERSON GRONACHAN: Yes.
MS. RAMSAY: It's three to three.
MS. SAARELA: That means the motion fails so someone will have to move to approve.
MS. KRIEGER: It's going to be three to three.
CHAIRPERSON GRONACHAN: So the motion failed three to three. So now we need a new motion?
MS. SAARELA: The motion fails, so you're left with a motion to approve and see if you get enough votes on that, which in this case would be four votes. If you don't, then the whole thing fails and it's denied.
Use variance you have to have two-thirds of the membership.
MR. MONTVILLE: I can make a motion at this time.
CHAIRPERSON GRONACHAN: Go ahead.

MR. MONTVILLE: In Case PZ15-0021, petitioner, Thomas Herzog has proved that with the non-conforming lot he's unable to comply with the ordinance and keep his boat on the side or backyard.
The need for this variance is not self-created, due to the non-conforming nature of his lot. Strict compliance with this particular petition, unfortunately it's not plausible, due to the nature of the lot. This is the minimum necessary, he's parking
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on private property, his private boat his on
his private property, it's not extending into
the road, it's not extending into any other
lots. And this particular variance will not
cause an adverse impact to the surrounding
neighbors and lots.

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

MS. KRIEGER: Second. I'm going
to add for this particular case, because of
the non-conforming lot and it's for as long
as he has the boat and this petitioner is on
this property.

MR. MONTVILLE: Fine.

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

MR. IBE: Yes, I will like to --

based on the motion that's stated by the
member, I don't think the motion particularly
meets the requirement of the use variance.
Some of the motion -- does not tell us what
the owner's hardship is. I'm still waiting
to hear it.

MS. SAARELA: He can make his
motion however he wants it. It's for
everybody else to vote on.

MR. IBE: Very well. I will
withdraw my statement there.

CHAIRPERSON GRONACHAN: Thank
you. It's been moved and seconded.

Ms. Ramsay, would you please
call the vote.

MS. RAMSAY: Member Ibe?

MR. IBE: Absolutely no.

MS. RAMSAY: Member Krieger?

MS. KRIEGER: Yes.

MS. RAMSAY: Member Sanghvi?

MR. SANGHVI: Yes.

MS. RAMSAY: Member Byrwa?

MR. BYRWA: No.

MS. RAMSAY: Member Montville?

MR. BYRWA: Yes.

MS. RAMSAY: And Chairperson
Gronachan?

CHAIRPERSON GRONACHAN: No.
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MS. SAARELA: Three to three motion fails, because you would need four votes to approve a use variance.

CHAIRPERSON GRONACHAN: So the motion fails, both the votes are failed. You need four yes's for your request to pass.

So, therefore, his request fails as well?

MS. SAARELA: His request fails.

MS. KRIEGER: So he can come back?

MS. SAARELA: Only if he had different circumstances to explain.

CHAIRPERSON GRONACHAN: At this point, your request has failed. It has not been passed and it's not been denied.

If you, for some reason, come up with additional information that you have not yet -- that you have not already presented to this board, then you can re-petition and come before this board again.

But at this point, the boat will not be able to be parked from April until October in your driveway.

Member Sanghvi?

MR. SANGHVI: Thank you, ma'am. I think the order is that he come back when the board is full. We don't have a full board today.

CHAIRPERSON GRONACHAN: I understand that, but does he not need more information?

MR. SANGHVI: When we have an odd number of members present, it can be tie and it can go on indefinitely. So the order to call him back at the next meeting, when the board -- we have a full board and odd number of members.

MS. SAARELA: Well, he could have had the option at the beginning to say that he wanted --

MS. KRIEGER: He didn't have that option.

MR. SANGHVI: It wasn't mentioned.

MS. SAARELA: Isn't it in the rules though that are passed out?
MR. SANGHVI: That should have been pointed out by the Chair right at the beginning of the meeting that we don't have a full board.

CHAIRPERSON GRONACHAN: It is in our rules and conduct.

MR. SANGHVI: I know, but it's still much better to be pointed out.

CHAIRPERSON GRONACHAN: I can't point everything out. That's why there is rules and conduct -- with all due respect.

MR. SANGHVI: Traditionally we have always pointed that out.

CHAIRPERSON GRONACHAN: I agree.

So we can table this -- can we now that we already voted and it's been denied.

MS. SAARELA: Someone who made the denying motion would have to ask for reconsideration at this point and have it tabled. You have to reconsider the vote, the denial someone that -- someone who voted against the approval, would have to move to reconsider and have to be a revote to table it at this point.

One of the people who voted against approval.

MS. KRIEGER: Against the denial?

CHAIRPERSON GRONACHAN: Do you understand what's going on?

MR. HERZOG: Yes.

CHAIRPERSON GRONACHAN: Do you want to continue with this, or --

MR. HERZOG: I would.

CHAIRPERSON GRONACHAN: Okay. We need a member that denied the motion to ask for reconsideration.

MR. IBE: I'm sorry. Madam Chair, I think perhaps if I can make a comment. We have the rules for a reason. With all due respect to the applicant, he didn't know there were ordinances when he bought his boat.

Similarly, we have rules in here as to how we govern and what goes on in the Zoning Board.

When you come before a Zoning Board.

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Board, you have to understand what the rules are. I know we have to explain things, however it is not -- it is the duty of the party who is bringing the case to know what the rules are, where the options are. I guess I'm more than happy to support anything, but I simply don't think that we should -- after we have this long debate and we have had a vote, we have had a second vote, now we ask to make a move to reconsider.

I'm very sorry, I don't think I will be willing to make that motion on that right now. Thank you.

CHAIRPERSON GRONACHAN: Member Byrwa, would you like to make that motion for reconsideration?

MR. BYRWA: No. I have been in the enforcement business for some 30 years and I have seen how situations and modifications of ordinances have a tendency to proliferate when there is a variance on one and there is not a variance on neighboring or adjacent or surrounding properties. So I wouldn't be in favor or reopening this up.

CHAIRPERSON GRONACHAN: Unfortunately, I can't -- I mean, we can't undo what's been done here. And so therefore, your request has failed. That's all. So your boat will be not able to be parked from April to October in front of your property and my suggestion would be to find a place to store it off site.

MR. HERZOG: Okay. How much time can I have to find a new place to store it?

CHAIRPERSON GRONACHAN: You are going to have to contact Mr. Walsh at the building department and he can advise you because I know there is a violation on hand, which bought you here to begin with. So you will be in touch with him and he can advise you on what time and they will work with you. So contact Mr. Walsh tomorrow at his office and he can set that up. Okay.

Thank you.
CHAIRPERSON GRONACHAN: In Case No. PZ15-0026, James and Laura Paulk, 24676 Taft Road, north of Ten Mile, if you would like to come on down.

The applicant is requesting variances from the City of Novi Code of Ordinances for construction of a two-story detached garage in the rear of the property.

Good evening, and if both of you are going to give testimony, please state your name, spell it for the secretary, raise your right hand and be sworn in by Member Ibe.

MR. PAULK: James Paulk, J-a-m-e-s, P-a-u-l-k.

MS. PAULK: Laura Paulk, L-a-u-r-a, P-a-u-l-k.

MR. IBE: Do you swear or affirm to tell the truth?

MR. PAULK: Yes.

MS. PAULK: Yes.

CHAIRPERSON GRONACHAN: You may proceed.

MR. PAULK: Well, kind of frame the discussion, several years ago we bought an old farmhouse on Taft, and there is unique properties on Taft, they're not consistent, it's not a subdivision. The property is on a little bit more than an acre.

The home was built in the late 1800s, we are not exactly sure when. We have been pursuing that information. But by the hardware and the fixtures and black glass bottle that we found in the wall when we took it out, put some insulation in, it's somewhere in the late 1870s.

What we were trying to do is renovate it. We have put 100,000 into it, since we began renovation. It has new siding, new windows, new roof, new chimney, new kitchen, lot of new things.

One of the new things we did was tear down the existing garage. I don't know when that garage was built, we shared it with the local squirrels and it was pretty difficult to keep anything in there.
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MS. PAULK: If the city would have been able to see it, we probably would have gotten a violation for dangerous structure.

MR. PAULK: It was pretty bad. But to know also that garage, when it existed, and we do have pictures of it, we have some historical pictures that came along with the property, there was also a barn up on the hill, if you guys had driven by that property up on the hill was a barn. So when they had that garage, they also had a barn. I'm not asking for a barn.

But we are asking for a two story garage, it kind of was an incremental process, if you see that, I don't know if it was in the packet from the -- anyway, that's kind where we started. We did want a work area.

We have a Michigan basement in this house, it's not really useable for things like exercise or equipment or stuff like that, and so we wanted a two-car garage so we could park our cars in the garage, and we wanted an area that we could work in, and we also have -- we are grandparents. Our whole family lives in Novi. We have 30 some people over on Christmas, we have tables and chairs, and we store all of that stuff right now it's in the basement. And it's a Michigan basement and it's damp and it's not a good place to put it. So we have got two storage units that we are paying for right now, so I know economic hardships is not a point, but it is a fact.

So this is where we started and we went to the builder, and put a gable on the front of this thing, so they give us some space up there and the builder said, sure, I can do that, drew up the plans. He took it to the draftsman to draft it up, and the draftsman said, wait a minute, you know you can only go 19 feet because height restrictions, if it's 14 feet at the mid point of the gable or at the median gable.

So he pushed the garage down
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and he left us a space about six foot wide,
you can walk down one side and walk down the
other, which was pretty absurd. And he said,
if you are going to do anything else, you are
going to have to go for a variance. And we
said, well, if we are going to go for a
variance, the original thing we talked about
was pushing this up.

So it's really what we are
looking for is the two-story version of this
where the roof is basically pushed up.

We talked to our neighbors.

When I looked at the packet, I didn't see
responses in there, but our son, who bought
our old house on Glenda, responded on
Thursday in the mail. So a neighbor approval
is required, we can wait because we did talk
to all them.

You really can't see this
garage. The only people that will be able to
really see it are the next-door neighbors to
the north, the Moores, the Moores have a
beautiful property there, and they have no
objection to it at all. If it lines up with
their driveway, the entrance into the garage.

So we have their support, we
have everybody else's support, except one
individual down the street who can't see our
house and can't see the garage, so I'm not
sure what the objection was. Whatever it
was, it was his objection, that's okay.

We did talk to everybody,
said, if there is something you want, we can
change about it, accommodate you, we would be
glad to talk to you about it, try to do that.
Nobody had any suggestions, they said, fine,
we can't see it.

So that's kind of where we are
at. We actually have two acres there. I
realize that the variance is relative just to
the one acre we are on, but we also had the
adjoining property back to Glenda as well.

We have got 600 feet going
back from Taft I have got riding mowers, I
have got carts, I have chippers, shredders, I
have got big snow blowers, a lot of stuff to
maintain that property. I have got a lot of equipment. We are still working on the yard. I got to replace the porch, somebody put -- not the whole porch, but the -- somebody put plywood on the porch and I got to bring it back to the spruce that it would have had in the 1880s. So that's kind of our case, and I will take questions.

CHAIRPERSON GRONACHAN: Okay.

Thank you. Is there anyone in the audience that wishes to make a comment on this case?

(No audible responses.)

CHAIRPERSON GRONACHAN: Seeing none, Mr. Secretary, is there any correspondence?

MR. IBE: Madam Chair, in this case, there were 18 letters mailed, one letter returned, two objection letters received, seven approval letters received.

The two objections are letters, the first one is from John Adams, who is at 24630 Taft Road, he says structure would not fit with other buildings and homes in the area.

The second objection is from Don -- I'm not sure if it's Seller or Sveiler, at 24838 Portsmouth Avenue, "the potential for building to be used as a business site or converted to additional residences on the property".

The seven approvals are from Nancy Thompson, Tom and Gina VanHorn, Wendy Mutch, Jason and Tara Culvert, and Anthony Paulk. Would you like me to read all the statements?

MS. SAARELA: It's enough to summarize. You can just say they're approvals or denials.

MR. IBE: Yes, the seven names I just recited sent the approval for the applicant's request.

CHAIRPERSON GRONACHAN: Thank you. Building department?

MR. WALSH: No additional comments at this time. Thank you.
CHAIRPERSON GRONACHAN: Thank you. Board members. Member Byrwa?

MR. BYRWA: On that street, that Taft Road, you mentioned that there were a flavor of different -- I think there is even a sawmill down the street, different occupancies. You know, all of those today are in a category of what they call existing non-conforming lot where as long as it's reasonably maintained and that use is active, it gets to stay there, but should that use be abandoned or it becomes in a state of disrepair, it's expected that that property conform with the current ordinance.

The size of the structure kind of alarms me a little bit. The average size garage that a lot of the people have in this area are like a two car attached garage would be like a 200 or 400 square feet. Here we are asking for some over 300 percent over an average size two car garage here.

And you have mentioned that you have a lot of things and stuff and everything, and my wife is constantly on me to rid of stuff. The older you get, the more things you kind of hang onto and stuff, but I had a guy mention to me it kind of keeps resonating in my mind, the older you get, and when it comes to the amount of stuff you have in life, and his saying was, that you ain't ever seen a hearse pulling a Uhaul, have you. And yeah, it's nice to have lot of things close to you and everything and stuff. I think I would be a little more receptive with this variance, if you were -- kind of you mentioned that the character of the house and everything dates back to the 1800s and the structure you took down, if you were presenting like to replace that particular style of architecture, maybe a gable style that associated with the original structure, I'd maybe be a little more receptive to that, but to come in and say, I need a 400 percent increase in the standard garage, you know. Then the second floor, at first I drove by there, I looked, gee, the
way that lot is set up, you won't be able to
see it from Taft Road. But being in this
business for like 30 years, there is a saying
that if you can hide it, that's not the
answer. And a lot of times people think,
hey, I could have junk cars and all this
stuff on my property, I will just put up a
privacy fence. That is not the answer just
because it can't be originally seen from the
roadway and stuff, but, you know, those are
my comments.

MR. PAULK: Those are good
comments. You are right, I'm old. That's
one of the reasons, we want stairs to the
second floor, because we don't want to try to
take heavy tables and slide them up.

The other thing is that is an
acre property, so we have riding mowers. We
have bigger equipment. We don't have the
option to store it someplace else.

MS. PAULK: We don't have the
option of getting of the lawnmower and the
chipper because we use that weekly. That's
not junk. It's equipment to make -- I don't
know if any of you drove by. We have got
watering bags on the trees. We have replaced
junkie trees with new ones that are
historically correct.

MR. BYRWA: It's still a fairly
good size structure.

MR. PAULK: It is. But if you
look at this structure and you look at it in
terms of being compliant would the zoning
requirements, even for an R4, which is kind
of silly because that's an 80 by 125 foot
lot. We can't split this lot. This lot is
150 feet wide. It's going to remain 150 feet
plus, by 300. It's going to stay that way.
So that -- right now it can't be split
without coming in and asking for another
variance to get 75 foot wide lots.

If you look at this -- it's in
the packet. When I was talking to the
neighbors, I was trying explain it to them.
If you look at this, what we have in front of
you, we can build a footprint, 23 and a half
by 36, 19 feet high. We are asking to build
a structure that is 32 feet by 24 feet and it's less than three feet higher. It's less
than three feet higher.

   What that does for us is it gives us a lot more storage, you're right. But I have a Michigan basement where I can't store things. I've got an old house where I have very few closets, and so I can use this storage. We are not going to put a business in there, we are not going to put kids up there, not going to run a kennel. And the Moores, we have a property that looks like a five star resort, wouldn't tolerate anybody that came in after I left.

   So really I don't think what we are asking for is significant, our neighbors don't think it's -- the neighbors appreciate the fact that we have put that much effort into improving our property. When you maintain something, in my mind, I have lived here 20 years, we lived on Glenda when we bought this place. And we have bought four properties actually in Novi at the same time.

   So we are not new to this. We have maintained some of the character of Novi, we have improved that property. I have put a lot of money in there and I don't want to put a contemporary two car garage in there to try and match it with the house.

   So that's what we are doing. I think it's legitimate. I don't disagree with it. But in this case, I think it fits. There is not a whole bunch of one acre properties along there where other people are going to over run and say, I got an 1850 garage and I want to put a two story garage.

CHAIRPERSON GRONACHAN: Member Krieger?

   MS. KRIEGER: I really like your presentation that you put in here.

   MR. PAULK: I got a better one actually.

   MS. KRIEGER: I did want to -- since we don't have a full board, did you want to maybe table this?
MR. PAULK: No, I don't think so.

MS. PAULK: We are waiting to start building. We want to get it done before winter because we want it done.

MR. PAULK: Let me ask you -- you said is there is a reason we want to table it. I don't have any. Is there --

MR. BYRWA: The only reason is that there is not a full compliment of board members and --

MR. PAULK: The board made the rules -- I can rely with the six. I think that we have a good case here. I think this is not a typical house. I don't think that people -- neighbors are going to run in and say I want this same type of variance. I have got an 1850 house. It's hard to build an 1850 house.

MS. PAULK: The other part, I was going to go around the city and take pictures of garage doors that were open where cars couldn't park in the garage.

MR. PAULK: We thought we would have a privacy issue --

MS. PAULK: We were worried about invading people's privacy if they saw it on TV, like, oh, my God, they're using my garage.

MR. PAULK: This is part of the master plan, a side entry garage. That's what we have got here is a side entry garage, we want enough space so that we can park our cars in there so --

CHAIRPERSON GRONACHAN: Let the board continue with their questions. Do you have anything else?

MS. KRIEGER: Thank you.

CHAIRPERSON GRONACHAN: Anybody else?

MR. IBE: Yes, Madam Chair.

CHAIRPERSON GRONACHAN: Member Ibe.

MR. IBE: Madam Chair. Just quick comment. I think a few months back there is a home on -- I think it's on Nine Mile between Nine Mile -- the gentleman
had -- was going to build a garage, similar
to this structure here, big, wanted to park
what I considered to be a bus in it, and it
was discharged. And we didn't think it was
pleasant for the neighborhood. It was
just -- the structure was just too big, good
intent, but the structure was just too big.
So if that is a precedent that
I have to follow, unfortunately, it will not
be in your favor, if I was to cast a vote

MR. PAULK: I'm not parking a
bus.

CHAIRPERSON GRONACHAN: I'm going
to put my comments on the record.

I was out to your house on
Sunday, you guys weren't home. We could have
had coffee.

MS. PAULK: We did that, I'm
making the Daughters of the Revolution
stop -- I'm sorry, I'm getting off topic.

CHAIRPERSON GRONACHAN: That's
okay. We could have talked about that over
coffee. I like the back patio, the new
cement.

My question, there is -- when
you go up the driveway there is an old
building right there, the shed, is that
coming down?

MR. PAULK: Yes, we can get rid
of that.

CHAIRPERSON GRONACHAN: That is
coming down, okay.

So Sunday was a big day of
struggle, I should have gone to church before

I went to look at the cases. Because when I
looked at your property, I understand that
you have a lot of acreage, and it's very open
back there and hilly, as you said, and the
house is absolutely gorgeous and you can see
that you did a lot of work on it.

But again it goes back to we
can't make our decisions on emotion. We have
to look at what the ordinance is.

So my struggle with this was
the size of the garage. And after I
justified in my mind, I went back and I
reread the case and your presentation and in
terms of the need for it, and the need being
that there is no basement, the uniqueness of
the house, the age of the house, the fact
that there no storage. I have lived in a
farmhouse for many years, so I can appreciate
that. I don't have a problem with the size,
in this particular case, based on that size
of your lot and the location of where the
garage would be, okay. So I'm stating those
things specifically for a reason. And
also -- but I do have a problem with the
height.

So is there something that you
can do so we are not exceeding these height
requirements?

MR. PAULK: Well, the only thing
I really do on that, is go back to the mean
of the gable. So if the mean of the gable --
the mean of the gable in your definition is
14 feet.

So if you have a gable roof,
the height, the height is a defined term,
which a gable roof in association with the
meaning of the gable, and so the mean of the
gable cannot exceed 14 feet.

I'm not sure if there would be
some way someone could adjust that pitch of
that roof to a ten, 12 to give you a wider
space up on top and still make the gable long
enough to keep the mean at 14 feet.

CHAIRPERSON GRONACHAN: Again, he
spoke of this earlier, our job is to make
sure that, you know, we are following the
ordinances, and that there is a least amount
of ordinance -- or least amount of variances
requested.

And based on my previous

statements for the size, Member Ibe was right
in regard to the gentleman that was
requesting a garage, but there was concern
and there were some objections and that was a
different case.

In this case, after walking
your property, I can understand the need. I
lived on a farm. I understand and I have
lived in a house with no basement. I
understand the need for space for a tractor
and chipper and --

MR. PAULK: We got them all
sitting in the yard. Yo probably saw them.

CHAIRPERSON GRONACHAN: With
Michigan winters you have got to have
storage. That's why I can't justify the
height.

MS. PAULK: Well, when --

CHAIRPERSON GRONACHAN: Hang on.
I'm going to hang onto the rest to hear what
the rest of the board members say. But I
would like -- I will let you mull over that
while we listen to the rest of it. I don't
believe that in looking at this building that
it's your intent to build a building for

business. I don't believe that this building
is going to be used for anything else. There
is not going to be living quarters, there is
not going to be renting out for an apartment.

You spoke of the width of the
property, 150 by 150, any way you look at it,
unless they come to the back of the property,
but you don't have that -- there is nothing
on any master plan that's going to change the
division of this property for future use.

So anyone that purchases this
property even in the future, once you decide
that you are tired of your tractor, like I
got tired of it, then you have a large piece
of property and the garage fits in with the
use of the property and the neighborhood.

The objections to the
neighbors, I'm not quite sure what the
objections are.

Again, I agree with Member
Byrwa's theory that if you can't see it, it's
okay. But that's not how we work here.

And that's why I did, you
know, get out and walk and try to get a feel
for the property and moving on acreage and

being with horses and a barn, I built my barn
and everything else, so I come from that
background.
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And I understand completely,
but I also understand the need for the size
of this building.

And the uniqueness is all
those things that I just stated. The size of
the lot, the fact that it's never going to be
split, the fact that there is no storage in
the house.

You spoke -- you indicated
what your specific use is, that there is not
going to be any business. So those are my
comments and I wanted to cover all of that
for the board especially.

Is there anyone else that
would like to offer anything else?

Member Montville?

MR. MONTVILLE: Just real quick.

That was my concern, too, about the
self-creation of the variance, by agreeing
with the additional lot, initial acre that we
have and their lack of the basement. The
size of the structure is not an issue, but if

we could find a way to limit the amount of
the variances that we have to grant, I don't
think we would be that far away from the
height situation as well.

That's all I have. Thank you.

CHAIRPERSON GRONACHAN: Thank
you. Member Sanghvi?

MR. SANGHVI: I came and saw your
property and I absolutely empathize with your
situation. And I think if you want to keep
the senior citizens in this town, we need to
look at it with a different proposition and
they require more space and rider mower, we
aren't doing the lawn mowing by hand anymore
or removing the snow by our hand ourselves.
We have to be a little more empathetic with
their needs, and I think their needs right
here. I have no hesitation in supporting
your application. Thank you.

MR. PAULK: Thank you. I do want
to say that height variance is the less than
three feet. The height difference between a
garage that is in complete compliance, which
was this one at 19 feet with a 14 foot mean
height to the gable, Tom can help us with
that, I think, is actually 19 feet high. What we are asking for here is less than three feet higher. In fact, it's also shorter than 36 feet. It's 32 feet. So if you're standing in the Moores' property, which is the only one that would see it, but I would also suggest that if that spruce tree dies and is taken down, and you have the beautiful garage there that matches up to the house, it still improves the property, you have still improved the neighborhood.

But it's still -- that variance is still less than three feet in height. It's the difference between the gable like this and bringing the roof up like this. So height-wise it's just not much. I guess I could make it three feet shorter, but height-wise could be quite a bit because I would be down to four foot or five feet.

CHAIRPERSON GRONACHAN: I have a question for the building department. It's been a while since I built a garage, and with this three feet variance, so are there other alternatives that my lack of experience may not be seeing that we could avoid a height variance?

MR. WALSH: Just to -- yes, you make it similar to that. You can actually do some reverse gables. It will take away from the square footage above or it could go with maybe a six foot or a five foot plate height on the second floor, have an eight, 12 or a 10, 12 pitch on the roof and bring his eave down with a wider overhang, and with a cathedral ceiling inside, give him his height and usable area up above, and it would reduce the overall height. Would they still need a variance, I believe so, but it would be a reduced variance in the height.

CHAIRPERSON GRONACHAN: So we would still need a height variance at that point, but there is -- with this building there really isn't anything else that he can could do to get away with not asking for a height variance. One comes with the other,
that's what I want to --

MR. WALSH: The overall height
would still be at 21 feet nine inches. But
you would have less cubic content, less bulk
up there as far as a two story -- more in
compliance than the one that's on the
monitor.

CHAIRPERSON GRONACHAN: The one
that's on the monitor is not the one you're
building?

MR. PAULK: The one that is on
the monitor, in terms of the -- it's not the
one I'm building. If you look at the garage
door and the two doors to the side it is, but
the roof is raised up, maybe I have something
that might present that better. I don't
know.

MR. WALSH: So the one on the
monitor, is it code compliant?

MR. PAULK: That's code
compliant.

CHAIRPERSON GRONACHAN: So this
garage right here is 850 square feet?

MR. PAULK: It's actually a
little less, 768 I think. I think this is in
your packet. But that gets the mean height
of the gable, and then what we are asking for
just raises the roof up.

CHAIRPERSON GRONACHAN: It
increases the square footage, that's what's
increasing the square footage to the double
in the square footage. So it's the two story
part that is doing this. Okay. I got it. I
got it. I'm sorry.

MS. PAULK: If I can add in, the
Moores' property to the north of us, their
property height, their driveway is, I want to
say, a good four or five feet higher than
our --

MR. PAULK: It's several feet and
the house is quite tall.

MS. PAULK: You probably noticed
the height difference if you were in the
backyard.

CHAIRPERSON GRONACHAN: Just for
clarification on the record. We are just
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doing our due diligence, making sure that there is not a lesser variance to obtain.

MR. PAULK: What we are trying to do is maintain the value of the property, this goes to the house.

MS. PAULK: We have tried several different drawings and pictures and roof pitches. We've been working all summer on it.

CHAIRPERSON GRONACHAN: I have nothing more. Does anyone else have anything? Would anyone like to entertain --

I would like to entertain a motion maybe.

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

CHAIRPERSON GRONACHAN: Member Montville, go right ahead.

MR. MONTVILLE: In Case PZ15-0026, I move that we grant the variance sought by the petitioners, James and Laura Paulk.

The unique situation that they have encountered, is the additional lot to an older building that they live in with no basement, so they have limited storage to keep the inventory that they require to maintain their lot and the additional lot they own.

For those reasons, this request for these two variances are self-created. Strict compliance with the ordinance would prevent the homeowners from properly maintaining their land and properly maintaining the property values.

They had established that this is the minimum necessary variance, both are, size-wise and also the height given the logistics and the engineering of the building they have proposed, in this particular instance, the variance requested would not cause an adverse impact to the surrounding properties.

MS. KRIEGER: Second.

MR. SANGHVI: Second.

CHAIRPERSON GRONACHAN: It has been moved and double seconded. Is there any
further discussion?

(No audible responses.)

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

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: Chairperson Gronachan?

CHAIRPERSON GRONACHAN: Yes.

MS. RAMSAY: Motion passes six to zero.

CHAIRPERSON GRONACHAN: Congratulations. You're the first people that we could say yes to tonight.

MS. PAULK: We did our homework.

CHAIRPERSON GRONACHAN: Yes, you did. Good luck and please see the building department.

We are going to entertain a short break. We will be back here at 8:55.

(Short recess taken.)

CHAIRPERSON GRONACHAN: I'd like to call the Zoning Board of Appeals meeting back to order, and with that, we will call Case No. PZ15-0028, David Schroeder at 23750 Heartwood, Mr. Schroeder here this evening and he is requesting to allow construction of a 944 square foot detached garage in the rear of his property.

Will you please both state your name and if you are going to give testimony, raise your right hand and be sworn in by our secretary.

MR. SCHROEDER: Dave Schroeder, 23750 Heartwood.

MS. SCHROEDER: Gala Schroeder,
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that's G-a-l-a, also on Heartwood.

MR. IBE: Do you swear or affirm
to tell the truth?

MR. SCHROEDER: Yes.
MS. SCHROEDER: Yes.

CHAIRPERSON GRONACHAN: You may
proceed.

MR. SCHROEDER: I'm looking to
build a detached garage, additional storage.
House was built in '59, same storage, we have
got no basement, no storage. I have no
outside shed for any of my equipment. You
know, lawn, yard equipment. I have vehicles
and I have a trailer and I'd like to put them
in the garage, for both safety and
appearance. Can't think of anything else.

CHAIRPERSON GRONACHAN: Anything
else?

MR. SCHROEDER: Other than the
garage we have now doesn't fit the vehicles.
Vehicles are longer and the garage is
shorter.

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

(No audible responses.)

CHAIRPERSON GRONACHAN: Seeing
none, is there any correspondence?

MR. IBE: Yes, Madam Chair.

Twenty letters mailed, zero letters returned,
one objection letter received, two approval
letters, one from the homeowners association
approval. The two approval letters that we
have is from the president of the homeowners
association, John Kuenzel. And he pretty
much states that the homeowners gave
approval, if the applicant meets the
following conditions. "One, at least a half
permanent wall is added on the west side of
slab proposed for the east side of the
building. Such wall can have six feet space
at the bottom to avoid mold and wood rot.
Car ports are not permitted in Echo Valley.
Two, the garage must be architecturally
compatible with your house on same property,
similar grade siding and roofing. And three,
This second approval is from Clarice Ronk and she simply says, "I have no objection" and Clarice is at 48251 Rushwood. And the sole objection we have will be read by our Madam Chair.

CHAIRPERSON GRONACHAN: The sole objection is written by Colleen, and I believe it's H-e-a-n-n or could be H-e-a-m, from 23820 Heartwood in Novi.

"My current property line includes a vibrant, healthy 10-foot high two line for privacy. My concern is that any structure will -- any structure may negatively affect their health. In addition, the root structure of my healthy, well-established maple trees close to the property line may be impacted by the extensive digging. Currently the proposed seven foot distance to this new structure is three foot less than the 10-foot minimum distance that I understood to be the Echo Valley code from the side property line, upon my 1992 residency. Since I am not knowledgeable how much shade the building will cause on the tree line, only seven feet away or more or how the extensive digging will affect the root system off my healthy maple trees. I am objecting to the placement of this new structure in such close proximity to my trees that provide me privacy. Should this construction go forward, my expectations is that the health of my trees be preserved."

MR. SCHROEDER: I would like to say a couple of things.

CHAIRPERSON GRONACHAN: Hang on.

MR. SCHROEDER: The one --

CHAIRPERSON GRONACHAN: Sir, you will have a minute. Let me go through a few other things, then we will be back. You will have a chance to address that, okay.

Thank you. Is that --

MR. IBE: That's it, Madam Chair.

CHAIRPERSON GRONACHAN: Building department?
MR. WALSH: No comments at this time.

CHAIRPERSON GRONACHAN: Board members? Member Sanghvi.

MR. SANGHVI: Thank you, Madam Chair. I came and saw your property last Friday, and looked around, and to be quite honest, as I said in the previous case, I understand the need for the storage space. And we need a lot of storage space to keep riding mowers and snow removal and all other things so I have no hesitation in recommending that we accept this. Thank you.

CHAIRPERSON GRONACHAN: Member Krieger.

MS. KRIEGER: You wanted to address what the letter was about?

MR. SCHROEDER: First thing is that you have a couple other letters that were in the previous file. The VanHorns that was an approval for me and Willis. You gave those out in a previous --

MS. SCHROEDER: The case before ours.

MR. SCHROEDER: They were in the wrong file. Thomas VanHorn was in the last file.

CHAIRPERSON GRONACHAN: For David Schroeder?

MR. SCHROEDER: They are our neighbors.

MS. KRIEGER: Regarding the trees, could you address the construction?

MR. SCHROEDER: I can't really address the trees. I don't know if you have seen the neighbor's yard. The neighbor and I have been in a little squabble over the care of her yard. I have a picture of it right here. And I don't wish my yard to look like this. She's rather upset with me, which I understand, because I have been to the city a number of times about her cleaning up her yard. These pictures were taken yesterday. She has got vehicles in her driveway with flats, a boat and a trailer in the backyard that's been there for years.
MS. KRIEGER: When you construct your garage, and they come in with the -- I don't know if it's a bulldozer or a bobcat, are they going to be interrupting the roots of the trees?

MR. SCHROEDER: I couldn't tell you how far, but we will be -- I sent a copy of the survey. Just had my property surveyed.

MS. KRIEGER: Okay. That's what I was asking.

MR. SCHROEDER: We are talking eight foot foundation.

MS. SAARELA: I just want to point out, there is no request for a variance from the setbacks, so he's within the lawful distance from the side yard.

MS. KRIEGER: We were talking about seven and a half feet.

MS. SAARELA: Right, so the seven feet, that's the lawful distance. He's not asking for a setback or variance. So her objection is sort of not relevant to what he's asking for.

MR. BYRWA: I don't think the neighbor's trees have a legal right, their roots have a legal right to someone else's property. I know how it works above grade is that anything coming over the fence or property line you have the right to clear it or cut it or whatever, when it comes onto your property, but as long as you're within the setbacks, there is no -- I don't believe there is a legal right where the neighbor's roots of their trees has a right to your property.

MR. SCHROEDER: I talked to every other neighbor, talked to the homeowners association. We put on there what he expects. You can see that that is on the drawing, on the plans. So I am willing to cooperate with anyone I can. Like I say, we have pictures of the neighbors, her and I have been in a little disagreement over that for years. If you have been to out my house, you saw her house.
CHAIRPERSON GRONACHAN:

Mr. Schroeder, we would like to just address her concerns in the letter. These other issues are out of our realm for this evening, if you don't mind. It's unfortunate, if there is a disgruntled neighbor and makes statements for the wrong reasons. But I would like to continue with my board this evening and questions to address in the matter before us.

MR. SCHROEDER: Sure.

CHAIRPERSON GRONACHAN: Member Krieger, did you have any further questions?

MS. KRIEGER: No, that's it. Thank you.

CHAIRPERSON GRONACHAN: Member Ibe?

MR. IBE: Yes. Sir, your homeowners association letters and conditions, have you met those?

MR. SCHROEDER: Yes, they are on the drawings. That was one of the things I did. Here's a couple of pictures of some other homes in the neighborhood, detached garages. I talked to them to find out what they did for the neighbors, or how they dealt with the homeowners, so I went over and talked to the homeowners. Again, we have their blessing providing that we do what they asked and that is on the drawings.

MR. IBE: Okay. Keeping in line with being consistent and fair, I think the last case we had before you, I think the facts here are very, very similar. They had no basement, was a Michigan basement, no storage. And I think that what is fair is fair, I will vote for this simply because I voted for the last one. Not because I completely agree with your whole plan itself, but I think that once we go down this area, it's setting an area -- we have to be consistent and consistency means fair. I'd like to be fair to you as well. So I will definitely support this.

MR. SCHROEDER: I appreciate that.
MR. IBE: Thank you.

CHAIRPERSON GRONACHAN: Anyone else?

MR. MONTVILLE: Quick question for the city attorney. If since the correspondence that came is part of the record, would we be in the right to put a condition that the city would not be liable if something -- if anything were to ever happen to the trees, hypothetically the neighbor would --

MS. SAARELA: No, I don't think that it's really a condition that we would put on this because what her objection is has really more to do with a setback variance. There is no setback variance being requested here. He's within the distance from her property line that he should be. So the connection to her objection to the requested variance, there is no objection. When you're requesting to put a condition on something, it has to be related to the issue caused by the requested variance.

MR. MONTVILLE: Thank you.

CHAIRPERSON GRONACHAN: I do have a couple of questions. I, too, was out there, and to be honest, I didn't even notice the neighbor's house because you're kind of on a corner lot.

MR. SCHROEDER: No, the corner lot is the VanHorns, they gave us their approval. The other neighbors are the ones north. She is north of us.

CHAIRPERSON GRONACHAN: All right. Your driveway -- the garage would go at the end of the driveway.

MR. SCHROEDER: The driveway, right into the garage.

CHAIRPERSON GRONACHAN: I'm glad that you clarified, it was not in your packet that your garage, your current garage attached to the house cannot house your vehicles, due to the change in the vehicles. So I think that's important especially when -- if you watched this little bit, again, I reiterate this over and over again,
we need to find criteria to meet, you know, the request for the variances. And even though the previous speaker said he wants to be consistent, I still look at each case meeting the criteria. In other words, I don't do a blanket acceptance just because everybody wants to build a garage.

MR. SCHROEDER: I understand.

CHAIRPERSON GRONACHAN: So having said that, I believe that you have met the criteria. I believe that adding the fact that the garage can no longer house your vehicles, is very important. And times have changed. Garages are not as big, vehicles are a lot bigger. And that really saved you with me, for the first night. I was sitting on the fence, I will be honest. So based on that, I think that this is a minimum request, because you're not asking for, you know, 3,000 square foot garage. I think that it will fit in -- I know the question I want to ask, there is trees in the back, are there not?

MR. SCHROEDER: Correct, there is just a pine tree back there.

CHAIRPERSON GRONACHAN: That tree is coming down?

MR. SCHROEDER: The pine tree will have to come down.

MS. SCHROEDER: We are trying to have it moved on the property someplace.

MR. SCHROEDER: I'm trying to get that moved up to the front yard if I can. If I can find somebody to do it reasonably.

CHAIRPERSON GRONACHAN: I'm a little busy. I don't think I can help. My shovel is broken, but I wish you luck on that. That's a good move.

Having said that, I have nothing further and I would entertain a motion.

MR. MONTVILLE: Madam Chair, I am prepared.

CHAIRPERSON GRONACHAN: Member
Montville, we were waiting.

MR. MONTVILLE: In Case PZ15-0028, I grant that we -- bear with me. I grant that we move to grant the variance requested by the applicant, David Schroeder, on his unique circumstance, and this situation is due to his lack of lower storage, his outdated garage and the property needs to hold the inventory he needs for proper storage on his land.

It's not self-created for the same reasons I just mentioned. Strict compliance with the ordinance as it relates to the zoning and his property would prevent him from properly maintaining the parking of his vehicles and also his storage requirements.

He has provided us the minimum necessary, anything less would prevent him from the proper use of his property, in this case, we have established will not cause an adverse impact on the surrounding neighbors also noted by the applicant's compliance with the homeowners association and the requirements they have set forth for Mr. David Schroeder. So moved.

MS. KRIEGER: Second.

CHAIRPERSON GRONACHAN: It's been moved and seconded.

Question for the city attorney. The specifications by the homeowners association, do they have to be part of this motion?

MS. SAARELA: No.

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

(No audible responses.)

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.
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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.

Our next case is Case No. PZ15-0030, Bruce -- and I apologize if I'm not pronouncing this right, Mette -- would you please come down. 1361 East Lake Drive, west of Novi Road.
The applicant is requesting a variance to allow reconstruction of his existing home, with a lower level addition over an existing foot and front yard deck on an existing non-conforming parcel.

Thank you for your patience this evening. We don't normally run this way, this long. We have a reputation of being speedy, but not tonight.

Would you please state your names if you are both going to give testimony. Spell it for the secretary and be sworn in by Member Ibe.
MR. METTE: My name is Bruce Mette, B-r-u-c-e, M, as in Mary, e-t-t-e.
MS. METTE: My name is Toni Mette, T-o-n-i, Mette, M-e-t-t-e.
MR. IBE: Do you swear or affirm to tell the truth?
MR. METTE: Yes.
MS. METTE: Yes.
CHAIRPERSON GRONACHAN: You may proceed.
MR. METTE: My wife Toni and I are requesting a variance to a 735 square foot home that we own on East Lake Drive. We are proposing to raise the existing house, remove the existing crawl space and replace the crawl space moving it back seven feet. We then will build a new first floor with nine foot walls and set the existing house on
the new first floor, creating a two-story home. We will then renovate the interior with a new deck off the second floor coming out approximately seven feet. With moving the house back we will be at the 25-foot setback. We will then be at 18 feet when we add -- when we add the new deck, which will be about seven feet.

The existing footprint will be the same except it will be moved back seven feet. The home is being moved by a third generation home mover and structural expert. The name of the company is D and B House Movers, they are in, Monroe, Michigan. They have done a lot of -- what's the word, Greenfield Village a lot of homes like that.

MS. METTE: Grosse Pointe, Grosse Isle.

MR. METTE: His company is building the new crawl space, the walls and all the structural beams required.

MS. METTE: And new footings.

MR. METTE: That's pretty much what we are just -- I have some pictures here that I can show you. This is the home as it right now. This is another one. This is our home right here. This is the home that's next to it. There is a house with that height variance. You can't really see that one, so I took another picture of the one that's to the south of us, and there is our tiny little house right next to that. So we will be moving up that with up the existing --

MS. METTE: We are in between the bigger homes.

MR. METTE: With the new crawl. I think you have some of the picture in the packet that we submitted and what we are going to do. Everything is going to be vinyl sided on the outside, as it is here. We are trying to just really -- we need to actually my son -- we went through -- to the board about a year ago, little over a year ago. We were going to add a bathroom and a bedroom onto the back of this
home and we went back and forth as a family, and we found out that it really wasn't going to give it enough space, so we came -- we know there is other places on the lake around East Lake there that have lifted the homes and have done this same thing. So we went in and we looked at that as an option. And it really will give us a little more space, we will be able to add another couple of bedrooms and bigger area downstairs for family.

MS. METTE: And a laundry room. There is also no closet. There is one closet and it's in the bedroom, that's it. There is only one closet in the whole house, in the bedroom.

MR. METTE: We are also going to add a laundry room in there so they will -- we will have a little more space for putting a washer and dryer and necessities for living.

CHAIRPERSON GRONACHAN: Thank you. Is there anyone in the audience that wishes to make comments on this case? (No audible responses.)

CHAIRPERSON GRONACHAN: Seeing none, shaking their heads no.

Mr. Secretary, would you please read the correspondence.

MR. IBE: Yes, Madam Chair. There were 27 letters mailed, one letter returned, three approval letters received, zero objection letters received.

The first approval is from Angela Maher at 1375 East Lake Drive, and she writes, "I approve and support the reconstruction project at 1361 East Lake Drive. The owners are very kind and responsible and they continuously make great decisions in regards to making the home, yard and neighborhood more appealing and beautiful."

The second approval is from Anita Chacko at 1381 East Lake Road from she just simply said, "approve and support."

And the final approval is
Gordie Wilson and Gordie writes, "in full support, they have done a great updating of the house and they have owned it, it's a tough lot to work with and I support the variance". That's it, Madam Chair.

CHAIRPERSON GRONACHAN: Building department?

MR. WALSH: No additional comments this time.

CHAIRPERSON GRONACHAN: Okay.

I'll go ahead.

MS. METTE: I was going to add one little thing. We don't have a basement either and there is just almost no storage in the whole house.

CHAIRPERSON GRONACHAN: Board members. Member Sanghvi?

MR. SANGHVI: Thank you. I came and saw your property on Friday, looked around. Before I saw your property, I had a little concern about the south side variance you request, but when I saw it, there was enough room for the fire cart or anything else to go through, so I have no hesitation in supporting your application. Thank you.

CHAIRPERSON GRONACHAN: Member Byrwa?

MR. BYRWA: I'm just trying to confirm. There is a south side of the property pretty much is going to be within three feet of the lot line. I guess, most of the houses existing and then you're proposing an additional four feet to be added to that three foot side yard setback?

MS. METTY: Let's see, it would be the west is where we are actually looking -- towards the lake.

MR. BYRWA: It says on here that the variance request was to allow -- you're asking for a seven feet variance in the required south side yard setback, a 10 foot is required, three foot is proposed.

But it's existing at three feet, the house.

MR. METTE: Yes, it is. I'm not moving this side --
MR. BYRWA: Isn't it going, you're expanding that an additional four feet or so?

MS. METTY: We are moving the house back from the road seven feet.

MS. METTE: Straight back.

MR. METTE: Just straight back.

We are not moving the sides, the south or north.

MR. BYRWA: Then you are completely redoing the inside pretty much?

MR. METTE: Set it back. The reason we were going to set it back, so we could -- we wanted to have this deck put on the second level, where there is going to be a bedroom up there, we wanted to put a deck up there so you could kind of overlook the water.

MR. BYRWA: The concern I have and maybe Tom can help me out a little bit on this. When you -- when you get within like closer than five feet to the lot line, like you're three foot, it requires some special construction because you get into what is called a fire rating on the walls and they require, I believe, a fire rating, one hour fire rating on the exterior and interior of the wall, and then you're not really required to have any windows on that wall. If you do, then they're fairly expensive, what they call a fire rated glazing or a fire rated window would have to be on that wall being that you're within three feet of the lot line. Were you aware of that?

MR. METTE: I was not.

MR. BYRWA: Is that correct?

MR. WALSH: If it's less than three feet. So if you're three feet or greater then there is no rating. If you're two foot 11, then there is the rating.

MR. BYRWA: I guess if you're not changing it, you're sticking to that three foot, then you're home free then.

MS. METTY: I'm going straight back. So are you saying that I won't have to
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10 fire stop that --
11
12 MR. BYRWA: Fire rate. They have
13 a big thing, this is with fire people and
14 stuff, and normally they go by a five foot
15 setback from each lot line, and then if the
16 neighbor does five feet, you do five feet,
17 then you get a 10-foot separation between
18 structures. And there has been all kinds of
19 tests on fires and their ability to jump from
20 one structure to the next and they looked at,
21 well, 10 feet is really -- kind of like
22 almost the minimum requirement to kind of
23 pretty much prevent fires jumping from one
24 structure to the next. They got a fancy word
25 called confligation, but it's the ability for
0129 like to keep structures at least 10 feet
1 apart, or five feet -- each property owner
2 say five feet from each lot line.
3
4 MR. METTE: Well, what you're
5 concerned about there, you can point this
6 out, this is the house -- our existing house
7 here, and Carmen's house, that's here, this
8 is her garage, so from the edge of her garage
9 to the wall of our home is about -- it's at
10 least probably 10 feet. There is at least
11 ten feet.
12
13 MR. BYRWA: That's a good safety
14 margin to --
15
16 MR. METTE: Then on the other
17 side where the other small home is that's
18 next to us, that's about 14 feet. Between
19 that would be right --
20
21 CHAIRPERSON GRONACHAN: Sounds
22 like you're well within those requirements.
23 That's good.
24
25 Any other questions?
0130 Sunday, after I went, you know, garage
1 looking, and I have to tell you that, I am
2 jealous of your view because you have a great
0130 view, very nice. And I will be honest, when
1 I drove up, my first concern was the safety
2 of that living room, and again, I just tell
3 petitioners, again, I'm only human, I open my
4 cases, I read them, I have to go out and look
at them. I'm not a builder by trade. So, you know, it takes me perhaps a little longer than someone who has been looking at construction for 50 years.

But my concern at first was that you were moving it closer to the road and it was a big safety concern. So I had to actually go back and reread it. So I'm glad to see that that house is going back further, thank God.

My only -- my other question when I got done looking at it, after I clarified that it was moving back and not forward, was why the deck was on the front. I understand the upstairs deck, but there is not really a deck on the front on the new construction. That's going to add to the variance.

MR. METTE: On the lower floor?

CHAIRPERSON GRONACHAN: On the lower floor.

MR. METTE: That's really kind of up in the air at this point. We are not really sure what to do with that. We weren't -- we may be just having pavers there.

CHAIRPERSON GRONACHAN: The reason why is because I think you're doing a great job. I love a presentation. You explained most of it. But again we are always going for the least, least amount of variances.

And I just didn't know if adding anything onto the front -- I get the upstairs, okay. But adding anything down below, and I asked Tom this question --

MR. METTE: The only -- I mean, I am going to have to probably put posts in there.

CHAIRPERSON GRONACHAN: I got --

MR. METTE: They are going to have to be there.

CHAIRPERSON GRONACHAN: But to bring the bottom front out, Tom, will that add -- is that adding to the front --

MR. WALSH: As long as they do
brick pavers or something at grade, then no. But if they're going to build a wood structure, something above grade, then, yes.

CHAIRPERSON GRONACHAN: Would that -- if they did the brick pavers, would that remove one of these variances?

MR. WALSH: No. Still needs a variance.

CHAIRPERSON GRONACHAN: I tried. That's the only question I had, and clarification, so we are good.

MR. METTE: We are probably just going to keep that as brick pavers there and just have an area there to really have like a little bench there now. We can probably just keep it like that. We really were more looking at having that upper deck, because that's where the view will be.

CHAIRPERSON GRONACHAN: Exactly, down by the traffic. Anything else? Anybody would like to entertain a motion. Member Ibe?

MR. IBE: Thank you, Madam Chair. I move that we grant the variance as requested in Case No. PZ15-0030 for Bruce Mette at 1361 East Lake Drive, west of Novi Road, for the following reasons.

That the petitioner has established that his practical difficulty for the property including the following criteria, that the property, in fact, is unique. It's a non-conforming property lot as it sits right now. And it's one of those lakefront properties and we are quite familiar with this lakefront property that are now basically supposed to be what they intend for was -- the place, a cottage, but it's now your primary residence. And because it is your primary residence, the unique nature of the property, such that a variance is required in order to make it more liveable, the way it's supposed to be.

The need for the variance is not self-created. As I said, it's non-conforming, it's a lakefront property, and times have changed and obviously the changes bring about variances to allow more
of the homes to conform to what is more liveable.

Three, strict compliance with the dimensional regulations of the zoning ordinance will unreasonably prevent the petitioners from using their property for the permitted purpose.

Obviously they have stated to us here that they don't even have a closet, one closet in the bedroom, not enough storage space.

And it just makes it -- I don't even know how they live in this home, obviously, this is a renovation that has been crying out for a very long time.

The petitioner has established the minimum that is required in order to carry out the work that is needed here. The requested variance will not cause any adverse impact of the surrounding properties.

The petitioner has brought in some pictures of some homes that are next to them, and seeing that, based on what we see, those homes may have -- may have had some renovations, made what is current after liveable conditions.

And I think that by petitioner doing this, I am sure your neighbors are quite happy because their property values will go up. So it is a win-win for everyone.

The variance is definitely in the best interest of the neighborhood and is consistent with the ordinance, therefore, I move that we grant the variance as requested.

Thank you.

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.
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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. Congratulations and good luck on your project.
MR. METTE: We will probably be calling him quite a bit.
CHAIRPERSON GRONACHAN: I would highly recommend that.

Our next case, Case No. PZ15-0031, Sherrie Konkus on behalf of the Turtle Creek Subdivision, sign locations Nine Mile and Heatherbrae Way and Meadowbrook and Singh Boulevard, south of Nine Mile and east of Meadowbrook Road.
The applicant is requesting a variance of four feet in the right-of-way setback for their signs.

Good evening. Are you the only one speaking this evening?
MS. KONKUS: Yes. I'm Sherrie Konkus, S-h-e-r-r-i-e, K-o-n-k-u-s.

CHAIRPERSON GRONACHAN: Would you please raise your right hand and be sworn in by Member Ibe.
MR. IBE: Do you swear or affirm to tell the truth?
MS. KONKUS: I do.
CHAIRPERSON GRONACHAN: Thank you. Good evening.
MS. KONKUS: The landscaping on Turtle Creek Subdivision two entrance islands has served us well for over 30 years and is now clearly in need of refreshing.
The homeowners association plans a complete overhaul of the entrance and landscaping in early 2016, assuming the
project is formally approved by our
homeowners at our annual meeting this year.
Tonight we seek two sign
variances for this project. At a recent site
visit, we noticed that the posts -- that
while the Turtle Creek signs are in excellent
condition, the four posts supporting them are
significantly compromised. The requested
variance from the ground surface sign
requirement to allow us to replace those
posts and maintain our existing signs. Our
second request is a variance of four feet
from the right-of-way setback, enabling the
signs to be moved closer to the subdivision
entrances, as recommended by our designer.
Moving the signs forward to
six feet from the right-of-way from their
current placement of 11 feet six inches and
12 feet six inches from the right-of-way,
reduces the area that must be set aside for
low growth plants. That's important because,
as you look, this picture was taken before
some recent removals, we did this year
because of the overgrowth. We had some real
visibility issues of our sign from our
original, initial landscaping that has not
been replaced since the subdivision was put
in -- was built up.
You can see that these pines
had overgrown, so one consideration we know
we have is we look at a new design, is that
this space in front of the sign has to be put
with low growth plants, in order to maintain
the visibility of the signs.
So one of the reasons we are
looking at moving this up is that we are able
to improve the visibility of the signs,
reduce the amount of the low growth plants
that we have to have, which makes it more
interesting landscaping, if you don't have to
have everything really, really low to the
ground. And also the fixed nature of the
island means we only have so much room to
accommodate the plantings.
So the trees, if the only way
we are going to be able to provide additional
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room to enhance the long-term survivability
of the new plantings, is by giving them a
little bit of space by moving forward so
those larger trees can have as much room as
possible to survive to improve their changes
of long-term survival. So this placement
also will allow the signs to better serve
their practical purposes making them more
visible from both Nine Mile and from
Meadowbrook and, therefore, be more easily
spotted by drivers unfamiliar with our
location.

So the Turtle Creek homeowners
association, in conclusion, wishes to use our
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stewardship responsibility for these entrance
islands to maintain and enhance their look
and function and thereby improve the property
values enjoyed by our residents and those
living thereby.

The signs will be structurally
improved with new posts and granting a four
foot variance for the 10-foot right-of-way
ordinance will allow placement of the signs
at each entrance in location that increases
its visibility, fits beautifully into the new
landscaping and provides more room for new
trees to thrive over the long-term. Granting
these two variances will result in more
functional and attractive welcoming into our
neighborhood. Thanks for your consideration.
I will be happy to answer any questions you
have.

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

(No audible responses.)

CHAIRPERSON GRONACHAN: Seeing
none, Member Ibe, will you please read the
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correspondence.

MR. IBE: Yes, Madam Chair.
There were 36 letters mailed, one letter
returned. Three approval letters received,
zero objection letters received.
The first approval letter was
from Nancy Thompson at 22371 Heatherbrae Way,
"I have seen the signs laid out for the entrance for Turtle Creek and support moving the sign closer to the road so it can be seen and support variance, re: the sign structure being constructed, remaining constructed with the current post". There is also an email from Jeffrey Stark, saying "I approve moving the sign closer to the road."

And there is a letter from Michael and Mary Jane Curle, and they write, "We live next to the island of Meadowbrook. I support the variance as requested. Michael and Mary Jane at 22041 Cascade Drive."

CHAIRPERSON GRONACHAN: Thank you. Building department?

MR. WALSH: No additional comments. Thank you.

Board members? Member Sanghvi?

MR. SANGHVI: Thank you, Madam Chair. I have read (unintelligible) for 40 years just to (unintelligible) these things. I see this every day.

And I see the landscaping, now the trees have grown, and your sign is not as visible as it used to be in the old day. I can understand the need to bring it forward, so I have no difficulty in supporting your request. Thank you.

CHAIRPERSON GRONACHAN: Anyone else? I have a question for, I think it's going to be for Tom.

So as these subdivisions get older, and they ask -- obviously the greenery that's before this sign, it was part of the plan when this subdivision was developed, correct?

MR. WALSH: Yes.

CHAIRPERSON GRONACHAN: So now when the new subdivisions are being built, has that changed -- have they changed that requirement because obviously on these older subdivisions, this is a problem. I hate to say, but did we create this problem?

MR. WALSH: No, but they're asking to come farther out in the road closer
to the right-of-way. So that requires a variance. I mean, they could remove the plantings, around the (unintelligible), or behind the sign, if they choose to.

CHAIRPERSON GRONACHAN: So they could remove the plantings, then the sign wouldn't have to be moved. That's why I'm saying, did the plantings create this issue. That's because the plantings grew -- the petitioner indicated that the plants grew up, which makes the sign not being able to be visible as much.

MR. WALSH: There is always maintaining the plants.

CHAIRPERSON GRONACHAN: Okay, I get it. But what I want to make sure that our ordinance of whatever we are doing did not create this issue.

MR. WALSH: I do not believe so.

CHAIRPERSON GRONACHAN: All right. I have no problem with the boards -- with the posts to replace the sign. I'm struggling moving it closer to the right-of-way.

And the reason why I'm struggling with it, for the following reasons. It's an established subdivision.

The way your sign is, and I travel this area on a regular basis, I will be honest with you, I don't know all the subdivisions, so I count on the subdivision signs, especially when we are counting where we do what we do when I drive out and look at houses.

I don't know every subdivision, I have been gone for awhile, I come back, I count on the identification. And Turtle Creek is a well-established subdivision, I believe that you can see your sign if the plantings weren't there better, or a different choice would be put in there.

I'm hesitant to move it further to the right-of-way. And the reason why I was out there, I looked at it, I was concerned about again, as I said earlier, I'm consistent with lesser variances. Does there have to be a variance. If something else
could take place to assist the petitioner, that's where -- that's my way of thinking. And I believe that if this growth got out of there, okay, and it was -- I don't see the move of four feet in, but I think that if the growth got out of there, and your sign was repaired, you would be able to see that sign better.

MS. KONKUS: In fact, we have removed these pine trees already because we felt it was kind of a safety issue, even in advance of a redo.

CHAIRPERSON GRONACHAN: And driving through, right.

MS. KONKUS: So I think you're right about the visibility issue. I think as we are looking at a total refresh of that island, and we have paid for a designer to come out and do a new design, we really weren't thinking about moving that sign forward as much as repairing the posts. That's what we initially discovered was necessary.

When we met with her though, her suggestion about the design really swayed us since we had to come here anyway and ask for a variance just to repair the posts, to also pursue moving the sign. And the reason is these trees that she has, I think I have shown here how you really do have to keep low growth in front of that sign. We learned that so we are going to make sure we do that as we move forward, but because the fixed nature, the fixed size of these islands, we don't have any other way to maximize the ability of these new plantings to survive over the long-term, except to give them a little more room this way.

So that's really what is encouraging us to do that, along with adding a varied interest on -- one of the key things we are looking for is this winding drive creek bed, it's kind of serpentine throughout the design. And moving that sign forward just a little bit allows us a little bit better to create that beautiful design, so
it's really -- use of the fixed space we have is really one of the reasons we are requesting moving forward slightly.

I do believe that our signs currently are a little out -- further beyond the 10-foot ordinance as it stands. So we do have some room already to move them a little bit closer within the right-of-way, but as I understand it, our right-of-way, we have these bridges across, so the right-of-way is two foot on the innermost side of the bridge.

So what that means is -- my understanding the right-of-way is here. We will be -- the corner of these signs will be eight feet in from the inner most edge of the bridges, so it's quite a ways from the road. It's a considerable distance from the road. The right-of-way, if I'm understanding this correctly, as I worked with the city department, the community development department is this side of those bridges.

So we are currently -- we are just looking to move, as you can see from the sign placement, of the mock signs we put together, we are just looking to move it a little bit closer to that bridge, makes for a more cohesive design, so that's really what we are at -- that's what really drives us forward on that.

Can we complete this project without those variances, I believe we can, certainly. I think it will compromise the design and the intention is that hopefully new landscaping will be beautiful for 30 plus years, so we do consider use of that fixed area very seriously in terms of how we can make sure that those trees have as much room as possible to thrive over the long-term.

CHAIRPERSON GRONACHAN: Thank you. Anyone else?

MR. MONTVILLE: Just to clarify, so you're going to be ripping out the bridge and everything in front anyway, so the bridge is staying?

MS. KONKUS: Bridge is staying.
MR. MONTVILLE: Thank you.

CHAIRPERSON GRONACHAN: Anyone like to make a motion? Member Ibe.

MR. IBE: I will take it. Madam Chair, in Case No. PZ15-0031, Turtle Creek Subdivision, brought by Sherri Konkus on behalf of the Turtle Creek Subdivision, sign location at Nine Mile and Heatherbrae Way and Meadowbrook Road and Singh Boulevard south of Nine Mile and east of Meadowbrook Road, I move that we grant the variance as requested by the applicant.

The petitioner has shown some practical difficulty that will enable this board to grant the request.

The Turtle Creek Subdivision is an established subdivision as we all know. And the presentation made today by the petitioner’s representative indicates to us that the original plan was to change the poles that support the original sign, however, due to the landscaping and beautification of all this entryway, for this subdivision, it only makes more sense that the sign move closer to the right-of-way, but from what she has described, it is still significantly far from the road where it does not really impede oncoming traffic, and doesn't impede upon the road for pedestrians to cross.

The property is unique in a sense because the landscaping, the bridge that is between two roads having been there for a while and she talked about the height of this particular island, and the island's height makes it so even if the roads have to be managed, they have to be managed in a way that is consistent with what they already have.

So the uniqueness of that island itself makes it tough for them to remove all the plantings and growth around it will be at a significant cost and will not really be to the benefit of this applicant, so the best the applicant can do is request for this variance in order to accomplish what
they intended to do.

The petitioner did not create
this condition as stated early on, the
subdivision has been in existence for a very
long time. The variance will not
unreasonably interfere with existing or
surrounding properties, there is no record of
any subdivision coming in or (unintelligible)
to what has been asked for by this
petitioner, therefore, the surrounding
properties will only benefit because a
beautiful Turtle Creek means that this
neighborhood is going to look very good and
everybody's property values go up.

The relief is consistent with
the spirit and intent of the ordinance, and
therefore I move that we grant the request as
presented by the petitioner.

MR. BYRWA: Madam Chair, point of
clarification, that's four feet from the
right-of-way or four feet in the
right-of-way?

MR. MONTVILLE: I believe it is
six feet from the right-of-way.

MR. BYRWA: The write-up here
says a variance of four feet in the required
right-of-way, ten feet required, four feet
proposed.

CHAIRPERSON GRONACHAN: It's four
feet.

MS. KONKUS: I have requested a
four foot variance from a 10 foot
right-of-way setback which would mean six
foot from the right-of-way.

CHAIRPERSON GRONACHAN: Into the
right-of-way.

MR. BYRWA: From the
right-of-way, not into.

CHAIRPERSON GRONACHAN: Would
that not bring them into the right-of-way?

MS. SAARELA: Correct.

CHAIRPERSON GRONACHAN: It would
bring them into the right-of-way?

MS. SAARELA: No.

CHAIRPERSON GRONACHAN: It would
not bring them into the right-of-way. That's
what I was asking earlier. They are not in
the right-of-way now, they are 11 feet out of
the right-of-way.

MR. BYRWA: They want to scoot it
forward so that they are within four feet of
the right-of-way.

MR. WALSH: Six feet, variance of
four.

MR. BYRWA: From the required
ten.

MS. SAARELA: So they will still
be six feet back from the right-of-way.

MR. BYRWA: The write-up was a
little confusing and said a proposed variance
of four feet in the required right-of-way.

But it's not --

CHAIRPERSON GRONACHAN: That's
why I was struggling. I thought it was
taking it four foot into the right-of-way.

MS. KONKUS: I apologize --

MR. BYRWA: It's four feet into
the 10-foot setback from the right-of-way.

CHAIRPERSON GRONACHAN: Okay.

Not we got that all clarified. Good thing I
didn't call the vote. It's been moved.

MS. KRIEGER: Second.

CHAIRPERSON GRONACHAN: It's been
moved and seconded.

Member 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: Chairperson

Gronachan?

CHAIRPERSON GRONACHAN: Yes.

MS. RAMSAY: Motion passes six to
zero.

MS. KONKUS: Thank you very much.
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I appreciate everybody's dedication to this.

CHAIRPERSON GRONACHAN: Good luck. I think it will good great.
So I know it's been a long evening, but I have -- we have some other matters to talk about this evening.
And so I'm not very good at goodbyes, and we have a member that's going to be leaving us, and Mr. Walsh has accepted a position and is leaving the City of Novi sadly.

So I wanted to take a moment to thank you. I don't have the oil can and I don't have box of Kleenex, so I'm hoping I can get through this.

When I first moved back to Novi in 2012, all the -- most of the names and the faces have changed. And when I came into the building department and was appointed back onto the Zoning Board, one of the friendliest faces and names was Tom Walsh. He made my job very easy and after being away for a long time and trying to get reactivated and re-acclimated, I should say, back into the area, you made me welcomed back home again.

I thank you for that and we would like to go all wish you the very best on your new adventure and we are going to miss you and we hope that the people in Florida don't want you and they send you back to us and we will take you.

MR. WALSH: Wow. Thank you. I appreciate it.

CHAIRPERSON GRONACHAN: I would like everyone to stand and give Mr. Walsh a round of applause.

(Applause.)

CHAIRPERSON GRONACHAN: If you would like to say few words, and I don't know if I -- was I not supposed to tell anybody that you were leaving?

MR. WALSH: Not yet. I haven't told Charles. No. Thank you. I appreciate it.

It's been an honor to work
with the city, the last two years have just
been awesome. I love the City of Novi. And
thank you.

CHAIRPERSON GRONACHAN: With
that, I got through this without a box of
Kleenex.
W\ Would you pass this down to
him. That's just a little something. Like I
said, we didn't have time because I just
found out about this and our personal shopper
was on vacation. So with that, I would like
to go call for a motion to adjourn.

MR. SANGHVI: I'd like to raise
another issue.

CHAIRPERSON GRONACHAN: Go ahead.

MR. SANGHVI: I had a question
for the city attorney.

I have been on this board for
a long time, almost 20 years. Time and again
I keep hearing about the precedent setting
and all of that, I wanted to clarify, once
and for all, that we judge every case on its
own merits, without any consideration of
previous cases or setting up any precedent.

MS. SAARELA: That's correct. So
just because we didn't grant one similar
variance, you know, similar to one that's on
another agenda, you don't necessarily have to
go back and see what was done at the previous
one, you're looking at factors that change
with respect to every property because each
property is unique, so no, you're correct,
that one case does not set a precedent for
another case.

MR. SANGHVI: We don't open up
any Pandora's box and --

MS. SAARELA: Correct.

MR. IBE: True. I'll make a
comment to that. That's quite true.
However, the reason why we don't go down that
road is because even though that's -- open up
the (unintelligible) everybody is going to
come right now. And when they come running
out, they would have a (unintelligible) to
say well, look, my neighbor got this. That's
how the lake area became what it is today.
Because one person got a variance, and --
before you know it, there is variances going on all over the whole place.

If we are going to be fair to homeowners who have, of course, paid good money for their homes in Novi, we have to be mindful that when you grant something, people do their homework, they don't just come in here without -- those who don't do their homework, come in here and they lose, those who do their homework will understand that clearly well these things have done in the past.

And yes, we are students of history, and certainly we cannot just simply ignore the fact that this kind of case, this kind of factor went on before.

While we look at each case on its merit, it is fair also say, you know what, we have done this before, so it is only fair that I look at a case on a case-by-case, but if there is something that is similar to it, that will allow me to go one way or the other, I will defer to what we have done in the past that perhaps has worked. That's how I make my judgment.

MS. SAARELA: That is actually the state of the law in Michigan that in the case of a zoning variance, it doesn't set a precedent. You have to look at each of the factors as it applies in each case.

MR. IBE: Absolutely. I agree. Unfortunately, we have unwritten precedents on this board. That goes back for so many years.

I've been on this board for seven years, I have seen so much precedence that we have gone back on again and again and again. Each time we will say, what did we do with this old case, we seem to recall that so many times on this board. That seems to be the history that we have gone by for a long time. And it doesn't mean it's right, but unfortunately, that seems to be the road we travel.

CHAIRPERSON GRONACHAN: I would like to add something to this conversation if
I can.

I know what you are both referring to, in a case -- I think I know what you're both referring to. I led everybody down that road and it is in regards -- can I reference the case?

MS. SAARELA: We shouldn't be talking about cases that --

CHAIRPERSON GRONACHAN: When it comes to -- the decisions that I -- let me put it this way then.

When I'm making a decision about a case, I think we should all sit back and take a look at what decision that I make tonight could possibly have a negative impact on the city that I'm representing.

And you know, Member Byrwa made a statement about ordinance officers being out there. I don't want to create more work for the city.

So I trust the people that are in this building that work, you know, Monday through Friday, nine to five, they give me the rules. They give me the lay of the ground, and I'm not here to break those.

I'm here to better an applicant's life when I can, but I'm also here to make sure that the rest of the residents who live near that applicant are not negatively impacted.

So I go through several steps, and although I hear both of your sides, and I agree, and I will say that with the three of us we have a lot of experience, and there are things that are said at this table that we shake in our shoes, and we probably wouldn't have gone down that road in the past, but even for the newer members, I think that we need to take a deep breath and say how do I effect -- if this decision that I make tonight, what effect is it going to have on this city. If you answer, you could be honest with yourself and say, it's not going to have any effect, it's not going to affect anybody else, and I don't have a crystal ball, I can't predict the future, but those
are some of the criteria that I use when I'm looking at a case.

Now, I'm not perfect. I can't give every right answer, but I deal from my heart because I represent the city, I love the city, it's a known fact. I have said it at this table many a time. But I don't want to do a negative impact to a resident. And so what if I moved in -- I'm going to use this example. You all know that I love horses, I live on a square lot. So I'm going to go out tonight and buy a horse, I'm going to bring it to my house and put it in the backyard because it's fenced --

MS. KRIEGER: I'll be over tomorrow.

CHAIRPERSON GRONACHAN: I may not know what the rules are, but that doesn't mean that I get to keep my horse in my backyard. I have to do my due diligence as a resident, as a homeowner, as someone who is going to be living in a city. And you can't -- you know, there was a former board member that used to say it's easier to ask for forgiveness than it is to ask for permission. And I do not believe in that. I think that every person needs to do their homework as a homeowner and as a resident, if they are going to be respectful to their neighbors.

So there is going to be cases that are going to be challenging. We had some challenges tonight. I think we rallied as a board, and we worked hard together and that's where we ended up.

Next month we will back here and we will do it again. I like the challenge at this table. I respect this board greatly, and I want to thank all of you for your input tonight. And it just makes me that much more prouder that you all thought about it and you all did your homework and this is where we are. We may not always agree when we leave this table, but I will never not respect you less for your opinions and for the road that you took tonight or any
night when we are doing cases.

Anything else?

MR. SANGHVI: I don't want to
(unintelligible). Thank you.

MR. IBE: I move that we --

CHAIRPERSON GRONACHAN: I move

that we adjourn this meeting. All those in
favor?

THE BOARD: Aye.

CHAIRPERSON GRONACHAN: Adjourned.

(The meeting was adjourned at 10:00 p.m.)

** ** **

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STATE OF MICHIGAN )
COUNTY OF OAKLAND )

I, Jennifer L. Wall, Notary Public within and for the
County of Oakland, State of Michigan, do hereby certify that the
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
7th day of October 2015.

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