REGULAR MEETING - ZONING BOARD OF APPEALS
CITY OF NOVI
Tuesday, September 10, 2013

Proceedings taken in the matter of the ZONING BOARD OF
 APPEALS, at City of Novi, 45175 West Ten Mile Road, Novi, Michigan, on Tuesday, August 13, 2013

BOARD MEMBERS
Brent Ferrell, Acting Chairperson
Rickie Ibe
James Gerblick
Mav Sanghvi

ALSO PRESENT: Charles Boulard, Community Development Director
Beth Saarela, City Attorney
Coordinator: Angela Pawlowski, Recording Secretary

REPORTED BY: Jennifer L. Wall, Certified Shorthand Reporter

INDEX

Case No. Page
PZ-13-0041 7

Page 1
Novi, Michigan.
Tuesday, September 10, 2013
7:00 p.m.
** ** **
CHAIRPERSON FERRELL: Good evening and welcome to the Zoning Board of Appeals regular meeting September 10th, 2013. I'd like to ask everybody to
rise for the Pledge of Allegiance, lead by Member Ibe.

(Pledge recited.)

CHAIRPERSON FERRELL: Ask Ms. Pawlowski to call the roll.

MS. PAWLOWSKI: Chairman Ferrell?

CHAIRPERSON FERRELL: Here.

MS. PAWLOWSKI: Member Gedeon is absent, excused.

Member Gerblick?

MR. GERBLICK: Here.

MS. PAWLOWSKI: Member Ghannam is absent.

Member Ibe?

MR. IBE: Present.

MS. PAWLOWSKI: Member Krieger is absent, excused.

And Member Sanghvi?

MR. SANGHVI: Here.

CHAIRPERSON FERRELL: This is a public hearing format. Rules of conduct are in the back, if anybody would like a copy. I would ask if everybody would turn off their cell phones or pagers if they do have any on.

Also when you’re called up to the podium, if you would raise your hand if you are not an attorney, be sworn in by our secretary and spell your name for our reporter.

And approval of the agenda?
Is there any changes to it?

MR. GERECKE: Yes. Case No. PZ13-0036 for Feldman Automotive. They have asked to be tabled until the October 8th meeting.

CHAIRPERSON FERRELL: Any other changes?

MS. PAWLOWSKI: No.

CHAIRPERSON FERRELL: Do I hear a motion or approval of the agenda?

MR. SANGHVI: So moved to approve the amended agenda.

MR. GERBLICK: Second.

CHAIRPERSON FERRELL: Motion and a second. All in favor say aye.

THE BOARD: Aye.

CHAIRPERSON FERRELL: Then onto minutes. Any changes or additions to the minutes?

(No audible responses.)

CHAIRPERSON FERRELL: Do I hear a motion for approval of the minutes?

MR. SANGHVI: So moved for --

MR. GERBLICK: Second.

CHAIRPERSON FERRELL: Should I do this for July?

MS. SAARELA: Do them separate.

CHAIRPERSON FERRELL: Motion for June 11th, 2013 minutes? Hear a motion for
MR. SANGHVI: So moved.

MR. GERBLICK: Second.

CHAIRPERSON FERRELL: All in favor.

THE BOARD: Aye.

CHAIRPERSON FERRELL: And do I hear a motion for approval of the July 9th, 2013 minutes?

MR. SANGHVI: So moved.

MR. IBE: Second.

CHAIRPERSON FERRELL: Motion and a second. All in favor?

THE BOARD: Aye.

CHAIRPERSON FERRELL: Now I ask if there is any public remarks that anybody that wants to come up and say anything that is related to the Zoning Board of Appeals that is not related to any case that we are having this evening.

(No audible responses.)

CHAIRPERSON FERRELL: Seeing none, move onto our first case.

There is only four members on the board today. So if anybody would like to have their case tabled until the following month, to have a full panel, you may do so because today's decisions will be final.

Move onto our first case, PZ13-0041, 2015 West Lake Drive, aka 2018
MR. COON: I'm Ronald Coon.
CHAIRPERSON FERRELL: Your address.
MR. COON: 2018 West Lake.
CHAIRPERSON FERRELL: Be sworn in by our secretary. Are you an attorney?
MR. COON: No.
MR. IBE: In Case No. PZ13-0041 2015 West Lake Drive, also known at 2018 West Lake Drive, do you swear or affirm to tell the truth?
MR. COON: Yes.
MR. IBE: Thank you.
MR. COON: I don't know how this thing works, so I'm just asking for the three-foot variance advance. I understand that due to a previous follow-up, the building got located in the wrong location and this is why we are here today.
CHAIRPERSON FERRELL: Is that it?
MR. COON: Yeah, we are trying to make the best thing out of this mess. Building was originally not supposed to have been there apparently. But that's where the previous owner was told to put the building and obviously it's wrong. So that's why we are here today. It seems to be a simple
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request, so hopefully this will clear up easily.

CHAIRPERSON FERRELL: Is that it?

MR. COON: Yes, I guess I’m done.

CHAIRPERSON FERRELL: Thank you.

Ask the city if there is any comments?

MS. SAARELA: I don't have anything to add.

MR. BOULARD: Nothing to add.

CHAIRPERSON FERRELL: Seeing none, I will open it up to the board -- or ask the secretary to read any correspondence.

Oh, any public remarks regarding this case?

Please step forward to the podium, be sworn if you are not an attorney. State your full name and address.

MR. SZYMANSKI: Gary Szymanski, 2012 West Lake Drive.

CHAIRPERSON FERRELL: Raise your right hand -- spell your last name for us as well.

MR. SZYMANSKI: S, as in Sam, Z, as in Zebra, Y, m-a-n-s-k-i.

MR. IBE: In Case No. PZ13-0041, 2015 West Lake Drive, do you swear or affirm to tell the truth?

MR. SZYMANSKI: I do.

MR. IBE: Thank you.

MR. SZYMANSKI: My wife and I
moved into 2012 West Lake Drive in February of this year, and since that point, Mr. Coon has put a tremendous amount of effort, we think, into improving the appearance and so forth of his house. I think he's done a tremendous job so far and he shared with us his plans to further renovate the property, which I think would only benefit himself but also the rest of the neighborhood.

We are one house away from Mr. Coon, right next-door neighbors. My wife and I would strongly support his efforts to obtain the variance today, and allow him to continue some further construction on the property.

When we put forth to the board last year for our property, we also required a variance and we were granted it, and appreciated that, but I think that it would also be a tremendous move for the whole neighborhood to allow that for Mr. Coon also.

CHAIRPERSON FERRELL: Thank you.

MR. GERBLICK: Sir, do you mind answering a question for me.

Are you the neighbor that would be directly effected by the variance requested on that side of the property?

MR. SZYMANSKI: No. I believe -- no, I believe the property -- the variance
would be from the other side of the property.

MR. GERBLICK: Thank you.

CHAIRPERSON FERRELL: Ask for any correspondence from the secretary.

MR. IBE: In Case No. PZ13-0041, there were 37 mailed correspondence, three return mail, 17 approvals, zero objections. The approvals are from Dean Simon, "about time to get it done, okay".

Al Evers, 109 Penhill Street, "the addition will help the curb appeal of the area".

Olden Jackson at 116 Penhill, just simply approved.

Marion Vanover wrote, "let him build".

Joni and Dan McCracken said, "we support anything that Mr. Coon would like to build or do with this property".

And Brian Larimer wrote, "absolutely, no reason not to".

Elizabeth Burkett wrote, "I think the project would be an improvement to the neighborhood."

And Kevin Byrd wrote, "no objections".

Nicholas Malles wrote, "we trust that Ron will improve the property and agree with his plans".

Carol Ames wrote, "I have no
objections to Ron Coon's addition, it will
compliment our neighborhood".

William Curtis wrote, "you
should print a small map of the variance for
residents to view. Words don't tell story."

Marvin and Marion wrote, "Ron
is a great neighbor and wants to improve the
property".

That's it, Mr. Chair.

CHAIRPERSON FERRELL: Thank you.

I will open it up to the board for
discussion.

Mr. Sanghvi, thank you.

MR. SANGHVI: Mr. Chair, thank
you. I went and saw this property a couple
of days ago. And there is no way you can
build anything without variances in this
area.

And I have no problem
supporting the application for the variances.
Thank you.

MR. GERBLICK: Sir, for the
footprint, just from my understanding, the
existing footprint of the structure, you're
not expanding to encroach on that setback any
further. It would be --

MR. COON: No. The structure is
built currently seven feet off the lot line
on the south side. And we just intended to
continue that on because when this structure
was originally designed, there is supports
and stuff like that put into the structure
that was planned for the addition.

MR. GERBLICK: Thank you.
MR. COON: Hence the reason it
needs to be that way.
MR. GERBLICK: Mr. Chair, I have
no problem with the requested variance.
CHAIRPERSON FERRELL: Thank you.
Any further discussion?
(No audible responses.)
MR. GERBLICK: In Case No.
PZ13-0041, 2015 West Lake Drive, I move that
we approve the variance as requested. There
are unique circumstances or physical
conditions of the property and the need of
the variance is not due to the applicant's
personal or economic difficulty.
The need is not self-created
because of the existing structures on the
property. Strict compliance with regulations
governing area setback, frontage, height,
bulk density or other dimensional
requirements will unreasonably prevent the
property owner from using the property for
its permitted purpose or will render
conformity with those regulations
unnecessarily burdensome.
The requested variance is the minimum variance necessary to do substantial justice to the applicant as well as other property owners in the district. The requested variance will not cause an adverse impact on surrounding property, property values or the use and enjoyment of property in the neighborhood or zoning district.

MR. SANGHVI: Second.

CHAIRPERSON FERRELL: I have a motion and a second.

Ms. Pawlowski, call the roll.

MS. PAWLOWSKI: Member Gerblick?

MR. GERBLICK: Yes.

MS. PAWLOWSKI: Member Ibe?

MR. IBE: Yes.

MS. PAWLOWSKI: Member Sanghvi?

MR. SANGHVI: Yes.

MS. PAWLOWSKI: Chairperson Ferrell?

CHAIRPERSON FERRELL: Yes.

MS. PAWLOWSKI: Motion passes four to zero.

CHAIRPERSON FERRELL: Thank you.

Moving onto Case No. PZ13-0042, 27200 Beck Road, Tom's Bar and Grill.

MR. QUINN: Good evening, gentlemen, Matthew Quinn, appearing on behalf of Tom Palusaj, the owner of Tom's Bar and Grill.
We are here this evening to request a variance to be granted on this parcel.

Just to let you know where this is, this is Beck Road on the drawing, which is to the west. This is Citygate Drive, which is the access drive directly to the north is Tim Horton's and the gas station. Directly to our south is Chase Bank.

Mr. Palusaj is redeveloping this existing building and he's going to expand it into a bar and grill, 5,700 square foot sit-down restaurant, on his 1.88 acres.

At this point, we have received special land use from the planning commission and site plan approval subject to the one variance that we're requesting.

The variance is very simple. On the north side of the building the ordinance requires a 50-foot exterior side yard setback because of the existing building, and the construction of Citygate Drive, we only have 15 feet that's available, so we are requesting a variance of 35 feet for that side yard.

Now, the practical difficulty is obvious. We're using, reusing an existing building and expanding it rather than tearing it down.
This variance is unique to this piece of property because of that existing building, and as you can see, all the parking is going to the rear of this structure.

Also the variance we are asking for is the minimum variance that's possible because of the existence of the existing building and there is absolutely no adverse impact on any of the surrounding property.

So we meet the criteria and we would ask your unanimous vote in granting the variance.

CHAIRPERSON FERRELL: Thank you for your presentation.

Anybody in the public have any remarks or comments?

(No audible responses.)

CHAIRPERSON FERRELL: Seeing none, the city have any comments?

MR. BOULARD: Nothing to add.

MS. SAARELA: I have nothing to add.

CHAIRPERSON FERRELL: I will have the secretary read any correspondence.

MR. IBE: In Case No. PZ13-0042, Tom's Bar and Grill. There were 14 correspondence mailed, two returned mails, zero approvals, zero objections.
CHAIRPERSON FERRELL: Okay. Open it up to the board for discussion.

MR. IBE: Just a quick comment, Mr. Quinn.

I am finally glad to see that this property is being put to good use. Every time I drive by Beck Road, my family always points out that property is like an eyesore there, it stands out. What are they going to do with this place. And to know that someone is going to put it to good use and it will serve the city very well, I have absolutely no objections.

MR. QUINN: Very good.

CHAIRPERSON FERRELL: Thank you. Anybody else?

MR. GERBLICK: Mr. Quinn, just looking at the proposed drawings here, is this the driveway, both driveways existing already or are those going to be added on as well as the addition to the building?

MR. QUINN: To the north, that exists already, all the way up to where it ends there. That was constructed by the Tim Horton's development.

This driveway right through here -- well, this is Chase Bank. Right now it stops here. It does go all the way through. That answers that.

MR. GERBLICK: Thank you.
CHAIRPERSON FERRELL: Any other discussion? Entertain a motion?

MR. IBE: I will make one. In Case No. PZ13--042, Tom's Bar and Grill, I move that we approve the request as made by the applicant for the following reasons.

One, there are unique circumstances or physical conditions of the property, such as the narrowness, shallowness, shape, water, topography or similar physical conditions, and the need for the variance is not due to the applicant's personal or economic difficulty.

As stated by Mr. Quinn, the current property, the building there, there is an existing building on this property that will be used and reused again by the applicant.

So in reality the only way for anything to happen is for us to grant this variance.

Second the need is not self-created, as previously stated as well as by Mr. Quinn, again, the existing property there makes it such that the applicant can only do what is given to them, and unfortunately, unless it is here on the building, which if they don't want to tear it down, there is no other way to use this place other than to grant a variance.
Three, strict compliance with regulations governing the area setback, frontage, height, bulk, density or other dimensional requirements will unreasonably prevent the property owner from using the property for a permitted purpose or will render conformity with those regulations unnecessarily burdensome.

Four, the requested variance is the minimum variance necessary to do substantial justice to the applicant, as well as other property owners in the district.

Simply, I don't think that the property owner at Tim Horton's or Chase Bank will mind at all if that piece of property has an occupant.

The requested variance will not cause an adverse impact on surrounding property, and the property values or the use and enjoyment of the property in the neighborhood or zoning district will be highly enhanced by granting this variance.

Therefore, I move that we grant the variance as requested.

MR. SANGHVI: Second.

CHAIRPERSON FERRELL: Hearing a motion and a second, Ms. Pawlowski, call the roll.

MS. PAWLOWSKI: Member Gerblick?
MR. GERBLICK: Yes.

MS. PAWLOWSKI: Member Ibe?

MR. IBE: Yes.

MS. PAWLOWSKI: Member Sanghvi?

MR. SANGHVI: Yes.

MS. PAWLOWSKI: Chairperson Ferrell?

CHAIRPERSON FERRELL: Yes.

MS. PAWLOWSKI: Motion passes four to zero.

MR. QUINN: Thank you, have a good evening.

CHAIRPERSON FERRELL: I apologize, Mr. Boulard, I know you had an announcement you wanted to make.

MR. BOULARD: I just wanted to take the opportunity to introduce to the board Tom Walsh. He's our building official. He comes to us from a nearby community, lots of years of experience and we are looking -- very fortunate to have him as part of our team, looking forward to working with him much more. He just started this week.

Tom, welcome.

MR. SANGHVI: Welcome aboard.

CHAIRPERSON FERRELL: Moving onto Case PZ13-0043, 43700 Gen Mar Drive -- I'm not sure how to pronounce that, if somebody wants to help out.
MR. IBE: Eberspaecher.

CHAIRPERSON FERRELL:

Eberspaecher North America.

Mr. Boulard, you had a comment on that?

MR. BOULARD: Yes, this particular case. We intend on always erring on the side of caution and we actually had (unintelligible) for the reduction in the parking spaces. A variance from Section 2507 for the loading, and then a variance from Section 1905.2 for installation for the bulk argon tank.

The variance from Section 2507, for the loading, unloading times is actually unnecessary before the ZBA. That's something that would be dealt with separate.

So before the board tonight would be Section 2505, for the reduction of the parking spaces, and Section 1905 to deal with the alternative screening for the argon tank.

Thank you.

CHAIRPERSON FERRELL: Raise your hand -- state your name and spell your last name for me.

MR. COLEMAN: Chris Coleman, C-o-l-e-m-a-n.

CHAIRPERSON FERRELL: Are you an attorney?
MR. COLEMAN: I am not.

CHAIRPERSON FERRELL: Raise your hand and get sworn in by the secretary.

MR. IBE: In Case No. PZ13-0043, Eberspaecher North America, do you swear or affirm to tell the truth?

MR. COLEMAN: I do.

My name is Chris Coleman, as I mentioned, I am a facility specialist for Eberspaecher North America. Basically the situation here is that we're expanding our production process at this facility. We don't have enough parking to accommodate our employees. So we are actually adding to the existing parking. The situation is that there is not enough room on the property to add, to get up the actual code, so we are looking to add 185 parking spaces, and the--we will be able to manage that with our employees that we will be hiring.

We are looking to add about 200 employees in total across the two to three shift operation there. And we can manage with that number of parking spaces, the 185.

As for the argon tank, we are looking to add a bulk 1,500 argon tank to the southeast corner of the building.

This is for our process, our
welding process of automotive exhaust systems. It's an inert gas. We actually have -- the gas supplier is here today if there are any questions regarding that, that tank.

We are looking to add a --

basically a security fence around it, which would be ideally a chain link fence with some type of other blocking to block the view of the tank.

As Mr. Boulard said the other one, we have basically pulled off the table about the shipping time, so those are really the two we are looking to get a variance for.

I do have, as I mentioned, the gas supplier is here as well as the engineer that helped with the parking lot layout and the plant manager at that particular facility.

So if you have any questions for any of us, please.

CHAIRPERSON FERRELL: Thank you. I will take any questions from the public to address this?

(No audible responses.)

CHAIRPERSON FERRELL: Anything from the city?

MS. SAARELA: Nothing to add, just that there is a planning commission report that explains a little bit more about Page 21
MR. BOULARD: That report is in the folder at each of your desks. Other than that, I’ll stand by for questions. Thank you.

CHAIRPERSON FERRELL: Thank you. I’ll open it up to the board -- actually have the secretary read any correspondence.

MR. IBE: In Case No. PZ13-0043, Eberspaecher North America, 19 correspondence were mailed, zero return mailed, zero approvals, zero objections.

CHAIRPERSON FERRELL: Thank you. Open it up to the board for discussion.

MR. GERBLICK: I will go first. How many parking spaces currently on the property?

MR. COLEMAN: Eighty-eight parking spaces.

MR. GERBLICK: Thank you.

MR. SANGHVI: I have two questions. A, would you kindly show me where the gas tank, storage space is going to be on there on the map so the people at home can see.

MR. COLEMAN: Basically that’s the tank right here (indicating), so all the residential is on the far side of Novi Road,
runs across along here, so the tank is actually right there (indicating).

MR. SANGHVI: Second question was, anybody can answer, can you tell me about argon gas that people know this is a harmless inert gas.

MR. COLEMAN: I don't know that I can speak to that real intelligently. It's an inert gas, chiro-genic gas, it's not flammable.

We can pull the expert up here if you would like to speak with him. Would you like to ask him?

MR. SANGHVI: Thank you. No further questions.

CHAIRPERSON FERRELL: Would you like to have --

MR. SANGHVI: I'm fine.

MR. BOULARD: If I could, will there be some kind of protection to protect the tank from vehicles? You mentioned a fence. Will there be some (unintelligible) or something? I assume you don't want people running and hitting the tank, right?

MR. COLEMAN: Currently the concrete pad that it would be sitting on is elevated by 18 inches above the normal grade, where the driving would be, if there is any -- there is no parking back there or anything. It's just like a fire lane and
then the lane that runs along the east end of the building.

MR. BOULARD: It's (unintelligible) by the base --

MR. COLEMAN: Yes, it's sitting on a base and it's offset on that base by probably at least four or five feet, so it's back protected.

MR. BOULARD: Thank you.

CHAIRPERSON FERRELL: I have another question for the city.

If we approve the screening around the gas tank, or the -- yeah, gas tank, does that mean it's going to be -- we approve the spot that it's going to or just the fencing, so if they decide -- the planning commission decides to move it somewhere, do they have to come back for re-approval of the fencing around it or how does that work?

MR. BOULARD: My understanding is that planning commission already --

CHAIRPERSON FERRELL: It's already been inspected, okay. Thank you. Any other discussion?

(No audible responses.)

CHAIRPERSON FERRELL: Seeing none, I will entertain a motion.

MR. GERBLICK: In Case No. PZ13-0043, I move that we grant the variance.
for the number of parking spaces as well as
the variance to provide screening for the
argon gas tank at the rear -- I guess that
would be the rear the property.

There are unique
circumstances, such as the physical
conditions of the property, narrowness,
shallowness, shape, or similar physical
conditions and the need for the variance is
not due to the applicant's personal or
economic difficulty.

The need is not self-created,
due to the size of the lot. The strict

compliance with regulations governing area
setback, frontage, height, bulk, density or
other dimensional requirements will
unreasonably prevent the property owner from
using the property for its permitted purpose
or will render conformity with those
regulations unnecessarily burdensome.

The requested variance is the
minimum variance necessary to do substantial
justice to the applicant as well as other
property owners in the district.

The variance will not cause an
adverse impact on surrounding property,
property values or the use and enjoyment of
the property in the neighborhood or zoning
district.

I believe for the fencing on
the tank, do we -- does that require a 
non-use variance?

MS. SAARELA: They're both 
non-use variances they're both by the same 
standards.

MR. SANGHVI: Second.

CHAIRPERSON FERRELL: Hearing a 
motion and second, Ms. Pawlowski, call the 
roll.

MS. PAWLOWSKI: Member Gerblick?

MR. GERBLICK: Yes.

MS. PAWLOWSKI: Member Ibe?

MR. IBE: Yes.

MS. PAWLOWSKI: Member Sanghvi?

MR. SANGHVI: Yes.

MS. PAWLOWSKI: Chairperson Ferrell?

CHAIRPERSON FERRELL: Yes.

MS. PAWLOWSKI: Motion passes 
four to zero.

MR. COLEMAN: Thank you.

CHAIRPERSON FERRELL: Call Case 
PZ13-0044, 43150 Grand River, Steve and 
Rocky's restaurant.

Whoever is going to speak, if 
you could just state your name and spell your 
last name for us.

MS. DIACHENKO: My name is Eva 
Diachenko, D-i-a-c-h-e-n-k-o.

CHAIRPERSON FERRELL: Are you an
130910.txt

23 attorney?
24 MS. DIACHENKO: No.
25 CHAIRPERSON FERRELL: If you could raise your right hand and be sworn in by the secretary.

3 MR. IBE: In Case No. P213-0044, 41350 Grand River, Steve and Rocky's restaurant, do you swear or affirm to tell the truth?

4 MS. DIACHENKO: Yes. Thank you. My name is Eva Diachenko. I am with Yucco (ph) signs, and on behalf of Steve and Rocky's restaurant, we are requesting to install a monument sign on his Grand River frontage.

5 If you have gone past, you can see the mockup sign is currently up there. That represents what the sign will look like and the placement of it. Some of the reasons -- here's the drawing.

6 Some of the reasons for the proposed sign, it's become quite difficult to see the restaurant because of the city required landscaping. It has matured dramatically, so when people try to find Steve and Rocky's driving by, they often get distracted and they can't find the restaurant, they can't see the restaurant building or the wall sign.
And also the recent widening of Grand River has created placing a ground sign a bit difficult. This has shifted the setback to where the sign would have been allowed, so it's a hardship that was sort of uncontrollable.

The sign is not allowed in the proposed location, we believe that a lot of the landscaping would have to be removed, which seems pretty wasteful and we would want to avoid to remove that lush landscaping.

After analyzing traffic flow on Grand River, and especially with the increased traffic, with the Wal-mart development, which is directly behind Steve and Rocky's, we feel the best location for the monument sign would be right at the property line. And this would allow the public to easily maneuver into the driveway which leads to the restaurant because they would see the sign, so then they would see the restaurant easier.

And Gene can tell you about the construction of the sign, if you need to know.

CHAIRPERSON FERRELL: If you want to state your name and spell your last name for us.

MR. DIACHENKO: Gene Diachenko, D-i-a-c-h-e-n-k-o. I'm the owner of Yucco
CHAIRPERSON FERRELL: Are you an attorney?

MR. DIACHENKO: No.

CHAIRPERSON FERRELL: Raise your right hand and be sworn.

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

MR. DIACHENKO: I do.

The sign will be constructed all out of aluminum, extrusions, heavy gauge 080. It will have an aluminum skirt, polycarbonate or lexan (ph) faces with on surface graphics to correspond to the drawing.

It will have which -- the drawing also represents his corporate colors. The illumination will be LED, so it will have a very minimal and very green operation.

Everything with the line will be an architectural grade, so there won't be any steal, it will all be aluminum, stainless steel fasteners, catalyzed urethane finish and wash primer all EPA type grade products and should represent a high quality image that Steve needs, which he has had for years.

The location, the difficulties we have is -- the county, when I spoke with them with respect to setbacks, they were actually very iffy as far as where the center
line of the road was.

He has a very unique issue there because on one side of the road there are two lanes, on the other side there is one lane, so the center really isn't the actual center of the road as represented by the county.

So there is an issue, that's why we are asking for that zero setback basically at the leading edge of the property line.

But if you have any other questions with respect to the construction, we can definitely answer that.

CHAIRPERSON FERRELL: Thank you.
Any public comments, remarks? City?

MS. SAARELA: No.

MR. BOULARD: Just one point. I spoke to Mr. Diachenko, I think, a couple weeks ago. I just wanted to point out the -- obviously with the right-of-way getting wider as time goes on by and so on, and the landscaping, the grades there would be supportive of this variance, moving that sign all the way up to the -- essentially the property line.

The only caveat I would have is that I'm not sure -- I don't know at this point exactly where that property line is and so whatever the variance, it would be up to
the property line, we need to determine where
the property line is absolutely. If the
property line is a little farther back of the
drawings shows in the drawings, we
talked about maybe a need to go -- you know,
moving some landscaping or so on.

We will be happy to work with
you on that.

I just want to indicate, I'm
not sure -- I don't know for sure where that
is.

MR. DIACHENKO: We might be a
couple of inches off one way or the other.
We never found the points, and I think that's
due to the widening of the road.

MR. BOULARD: Yes, I know the
right-of-way has changed, but my
understanding is that the variance would be
just to go to the property line, not in the
right-of-way.

MR. DIACHENKO: Correct.

MR. BOULARD: Thank you so much.

CHAIRPERSON FERRELL: Open it up
to the board -- oh, excuse me,
correspondence.

MR. IBE: In Case No. PZ13-0044,
for 43150 Grand River, Steve and Rocky's
restaurant, 20 mails were sent out, two
returned mails, zero approvals, zero
Mr. Boulard. There is no issue about the size of the sign or anything?

MR. BOULARD: No. The only variance requested is for the location setback from the property line. Typically the sign would require a three foot setback. They have asked to push it all the way up. Because it's real tight there.

MR. IBE: First of all, I like your restaurant. And I have no difficulty in finding it because I know where it is.

MR. ALLEN: May I speak?

CHAIRPERSON FERRELL: Please state your name.

MR. ALLEN: My name is Steven Allen.

CHAIRPERSON FERRELL: Spell it, please.

MR. ALLEN: You can tell I'm not a lawyer.

CHAIRPERSON FERRELL: Please spell your last name.

MR. ALLEN: A-l-l-e-n.

CHAIRPERSON FERRELL: Raise your right hand.
MR. IBE: Do you swear or affirm to tell the truth?

MR. ALLEN: Yes, I do. I just want to add one thing. Just like you said, when we have guests, you know, we have a lot of business people coming in from out of town, or bringing them to Novi. There is many times that we have to give them directions because we can't find your place because, like I said, mature growth of the landscaping.

Biggest definition I can give them on how to get there, it's between the Bank One sign and the Discount Tire sign. That's the -- you know, that's the easiest way I can tell them how to get there. That's all I had to say. Thank you.

MR. SANGHVI: You are a great chef. I like your food.

MR. ALLEN: Thank you very much.

MR. IBE: That's besides the point. I know that this is -- you did a variance, but it's no fault of yours that they're taking away some of the frontage from you, so I have no problem supporting your thing.

Only thing is, we need to make sure this is the exact location where this is going to go. Thank you.
CHAIRPERSON FERRELL: Thank you.

Anybody else?

MR. DIACHENKO: Can I have one more comment. The way I understood the sign code originally as far as he was only allowed two wall signs and a ground sign was the variance, was -- this variance is not only for the setback but actually for the ground sign itself, just to make sure that everything is clear.

Because if the wall sign, if he has to remove one of the wall signs for the ground sign, there is major scarring left beneath where that sign is, because it was not installed in an architecturally nice way. But the building will actually look as if it's been vacated.

CHAIRPERSON FERRELL: How many wall signs are there?

MR. DIACHENKO: There are two. One facing Eleven Mile, one facing Grand River.

CHAIRPERSON FERRELL: So this will be a third sign?

MR. DIACHENKO: A third sign, which does exist within the city at other restaurant locations.

CHAIRPERSON FERRELL: Thank you.

MR. BOULARD: That's not included in your application.
So my suggestion would be we address this tonight and then work on the solution for doing -- there is actually no variance in the application. There is no variance request. The only information that I have was based on the letter from the ordinance officer. So let's -- I suggest we go ahead with this and then we will deal with that going forward, if that's all right. Be happy to work with you.

MR. DIACHENKO: Okay.

CHAIRPERSON FERRELL: So this is for just the monument sign, is that what we are talking about tonight?

MS. SAARELA: Just the setback --

CHAIRPERSON FERRELL: The setback for the right-of-way?

MS. SAARELA: The zero setback off the road right-of-way.

CHAIRPERSON FERRELL: So what we are talking about at another time is, there is three signs?

MR. BOULARD: Right. That's all we advertised for.

CHAIRPERSON FERRELL: Just the setback, okay. Thank you.

Any other further discussion?

MR. IBE: Certainly I will echo what Member Sanghvi also said.

This particular restaurant,
It's rather difficult sometimes when you are driving. I like your restaurant. By the way, I like it so much I had two dinner parties there in the last four weeks.

And some of my guests couldn't find the place. And I was frustrated because I was just waiting to sitting, waiting, waiting wondering where these people are. Then they called me and said, apparently they drove past it a few times because they couldn't find exactly how to get in.

So that obviously -- I'm surprised when I saw this, this address is a problem that my guests had for my dinner party at Steve and Rocky's.

So, I definitely have no objections as to this.

But as to the issue of whether or not to allow the third sign, that is something, Mr. Boulard, we will --

Ms. Saarela: If that's required, it will be another meeting.

Mr. Ibe: As far as specifically as this particular matter is concerned today, I have no objections. Thank you.

Chairperson Ferrell: Any other discussion?

(No audible responses.)

Mr. Gerblick: Make a motion.

In Case No. PZ13-0044, I move
that we grant the variance for the ground sign setback, as the request is based upon circumstances or features that are exceptional or unique to the property and do not result in conditions that exist generally in the city or that are self-created, due to the mature foliage and the increased size of the right-of-way on the property.

The failure to grant relief will unreasonably prevent or limit the use of the property and will result in substantially more than a mere inconvenience or inability to obtain a higher economic or financial return as there is limited site to the facility, and there is heavy traffic on Grand River Avenue.

The grant of the relief will not result in the use of the structure that is incompatible with or unreasonably interferes with adjacent or surrounding properties, will result in substantial justice being done to both the applicant and adjacent or surrounding properties and is not inconsistent with the spirit of the ordinance.

MR. IBE: Second.

MS. SAARELA: Can I just make a suggestion that we add subject to the determination of the exact location of the property line in the motion.
MR. GERBLICK: So moved.

MR. IBE: Second.

CHAIRPERSON FERRELL: Motion and second, Ms. Pawlowski, will you call the roll.

MS. PAWLOWSKI: Member Gerblick?

MR. GERBLICK: Yes.

MS. PAWLOWSKI: Member Ibe?

MR. IBE: Yes.

MS. PAWLOWSKI: Member Sanghvi?

MR. SANGHVI: Yes.

MS. PAWLOWSKI: Chairperson Ferrell?

CHAIRPERSON FERRELL: Yes.

MS. PAWLOWSKI: Motion passes four to zero.


MR. BOWMAN: Good evening.

CHAIRPERSON FERRELL: State your name and your last name.

MR. BOWMAN: It's William Bowman. And I'm president of Thompson Brown.

CHAIRPERSON FERRELL: Can you spell your last name for us.

MR. BOWMAN: B-o-w-m-a-n.

CHAIRPERSON FERRELL: Are you an attorney?
MR. BOWMAN: No, I'm not.

CHAIRPERSON FERRELL: Can you raise your right hand and be sworn in by the secretary.

MR. IBE: In Case No. PZ13-0045, 25814 Beck Road, Lot 13, do you swear or affirm to tell the truth?

MR. BOWMAN: I do.

MR. IBE: Thank you, sir.

MR. BOWMAN: Mr. Chairman and members of the Zoning Board of Appeals of Novi, I appreciate the opportunity to be here tonight.

Just want to first say thank you for cooperation of the staff, both Mr. Boulard, Ms. Beth and Angela Pawlowski for their help.

I also want to say thank you also to Mr. Greg Nelson, chairman of the Pioneer Meadows architectural control committee, who was very helpful and very patient with us in getting through the process.

And I believe that there is a letter from the architectural control committee on file here indicating their support for the requested variances and setbacks of these four lots.

I guess I should start by saying that in our interest of time and...
because of the similarity, except for one slightly different configured lot, that the items that are seven, eight and six, seven, eight and nine, is it -- I'm sorry. That I can address each of those at the same time, and then if you have any specific questions about any one, I'd certainly be pleased to answer them.

I'm here tonight representing Mary Ann and Paul Bosco, who are the owners of these four lots. Incidentally, Mr. Boulard, I thanked you for your cooperation and assistance in getting through the process. Anyway, let's see if I can get technical here, if I would like to get this on the -- up on the board.

This is an (unintelligible) of the zoning ordinance. And it has an indication, and the problem has been -- not created by the applicant, that the RA zoning is not compatible with the 12,000 square foot lots or quarter acre lots. The setbacks were obviously designed for the one acre RA lots, and it's in a situation where those that have carried over then into the setback requirements. We're asking that these setbacks, and you will see in the -- that actually the R3 zoning, which addresses
12,000 square foot lots, those are the setbacks that would apply to that, would probably direct us to make a request for even less setbacks, 30 feet instead of the 40 feet that we're requesting in those cases.

But that would then conflict with the Pioneer Meadows deed restrictions and bylaws and, therefore, in our discussion with Pioneer Meadows folks, we elected, or the owners elected to apply for the zoning -- for the setbacks to be in conformity with the Pioneer Meadows subdivision association setbacks.

So I think it's relatively direct and straightforward in that we're asking for the waiver from the RA one acre lot zoning, for which the setbacks were designed to permit the setbacks that are more consistent with the R3, but yet still consistent with the Pioneer Meadows association.

I don't think there is a lot more to be said as to the reasons. It was not created by the owners of the lots. And there will not be any negativity from any of the other property owners in the area and what it will do is allow, with these setbacks, a better consistency between the new homes that -- to be built more similar to those in size and shape as the ones that are
already in Pioneer Meadows subdivision. The other items that we have requested, and just because of the nature of the beast, I guess, is knowing the business aspects of the timing that it's going to take to go through the process. These lots technically have not been on the market yet and we did not want to make representations that we couldn't back up in hopes that at this meeting that those approvals will be granted tonight, but we still have to go through the marketing phase.

And then next is going to be those people who will be involved in working towards a direct ownership of a new home to be built, and then the next step of the applications to the Pioneer Meadows association and then back to the city. That doesn't take into consideration the differences that might come up in all the process between the new home buyer and the builder and so forth.

The owners are not intending to be the ones to build on these lots, that's being offered for sale and likely will -- likely will be built -- purchased by builders or individual owners on the site.

So we're asking for a variance to the 3107 section in order to delay the process.
required start of construction from 12 months to 18 months.

And we would appreciate your serious consideration in that respect.

I would then end that and say thank you for the opportunity to appear here tonight, and if you have any questions, most happy to try to answer them for you.

CHAIRPERSON FERRELL: Thank you.

Any public remarks or comments about this case? Yes? Please state and spell your last name for us.


CHAIRPERSON FERRELL: Raise your right hand, be sworn in.

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

MR. NELSON: Yes. I'm not an attorney.

So I'm here to represent the Pioneer Meadows Association. I'm the head of the architectural committee. I have been here probably, I don't know, six, eight times before you.

We've built successfully about five new homes in the neighborhood and I
don't know if you can see this diagram, but I will take a minute to kind of give you bit of picture of what we are talking about here in a moment, but we have been here, I think, as I mentioned, maybe six or eight times, there have been five new homes built over the past eight years and we have successfully built those homes.

And what we have learned over time is to make those homes consistent with the current homes that are in the subdivision.

Our bylaws have been adjusted to require 40 feet in front, 40 feet in the rear and 15 on each side in terms of setbacks.

So Mr. Bowman has been very cooperative, which I appreciate, it's not always the case, but he's been very good to work with.

As you can see in the diagram here, there is three -- four lots in total. These three lots here are pretty straight forward, right, you can see this home here is a home that was built maybe four years ago, so this is a perfect example of a home that was built with 40 feet in the front, 40 feet in the rear and then 15 on either side setback.

So what the applicant is
asking for is on lot 13, 14 and 61, those are 100 by 120-foot lots, that so would allow a home that we believe is consistent with the other homes in the neighborhood, so we're in full support of his request.

And then on lot number 15, that's a bit of an odd shape lot. You can kind of see here it's 155 by 80, so the setbacks are a bit different there, but again, we think based on the size of the lot, and 40 in front, 45 on the one side, 15 and 15 that it would be acceptable and it would be a good setback compared to the home behind it, which you can see is, you know, here is quite a distance from that parcel.

So I just wanted to come tonight, again, and express our support in Mr. Bowman's request. He's been very cooperative and we believe his request would be a good fit for the neighborhood.

As far as the duration, I will leave that to you, 18 months, but I don't have an issue with that either, so we would support that.

CHAIRPERSON FERRELL: Thank you. Mr. Secretary, read any correspondence.

MR. IBE: Mr. Chair, in this particular case, for lot 13 as well 14, 15 and 61, there were a total of 28 mails, four return mail, two approvals, and zero
objections.

The first approval is from Thomas Zalinski at 25915 Clark Street in Novi. And the second approval is from the Pioneer Meadows Association, and the letter was signed by Gregory Nelson and Ron Otamald (ph), and -- should I read it?

MS. SAARELA: You really only have to tell us if it's an approval or --

MR. IBE: It is an approval from the association.

CHAIRPERSON FERRELL: Any comments from the city.

MR. BOULARD: No.

CHAIRPERSON FERRELL: Open it up to the board for discussion.

MR. SANGHVI: Just a question for the city attorney.

All these four lots have the same situation, can they be all considered in one?

MS. SAARELA: We are going to have to call the cases and go through the whole process with each one, open it up the public comment on each one.

They're all separate parcels, so we have to do them all separately.

MR. SANGHVI: Fine. Well, I've been around and I have seen these lots laying around for a long time. I am so glad
somebody is doing something about it and being the size, the way they are, if my memory serves right, these variances were changed after the subdivision was built, and the requirement for the setbacks, but doesn't matter anyway.

The point is, there is no way you can build anything other than a nice bathroom if you keep the variance as they are and you need variances.

So I have no problem supporting your application. Thank you.

CHAIRPERSON FERRELL: Thank you.

Any other discussion?

(No audibles responses.)

CHAIRPERSON FERRELL: Seeing none, I will entertain a motion.

MR. IBE: I will do this one. In Case No. PZ13-0045, 25814 Beck Road, Lot 13, I move that we approve the variance, the request first for the setback that's requested, and also the request to permit the variance to be for 18 months in order to accommodate the need of the applicant.

The variances should be approved for the following reasons.

One, there are unique circumstances or physical conditions of the property, such as the narrowness, shallowness and shape, the physical conditions, and the
The need for the variance is not due to the applicant's personal or economic difficulty. The need is not self-created, as has already been stated by the applicant.

These properties and the way the lines are drawn, makes it impossible to do anything without a variance, and the only way to make due justice to the applicant is obviously to grant these variances.

The requested variance is the minimum variance that is necessary obviously to allow the applicant as well as to our property owners in the district to build on them.

And finally the requested variance will not cause an adverse impact on surrounding property, property values or the use and enjoyment of the property, the neighborhood, or zoning district.

In fact, I think by granting this variance and allowing the homes to be built in conformity with the other existing home that is right behind lot 13, it will actually improve and enhance the neighborhood.

Therefore, I move that we grant the request as made by the applicant.

MR. SANGHVI: Second.

CHAIRPERSON FERRELL: We have a
Ms. Pawlowski, can you call the roll.

MR. GERBLICK: Yes.

MR. IBE: Yes.

MR. SANGHVI: Yes.

MS. PAWLOWSKI: Chairperson Ferrell.

CHAIRPERSON FERRELL: Yes.

MS. PAWLOWSKI: Motion passes four to zero.


MR. GERBLICK: Does any member of the board have further discussion on this case or --

MS. SAARELA: You're going to still have to open it up public comments, then close the public comments. That's the only thing that's going to be necessary.

CHAIRPERSON FERRELL: He doesn't have to be sworn in again?

MS. SAARELA: I don't think --

CHAIRPERSON FERRELL: Does he have to say anything or can I just open it up to public remarks?
MS. SAARELA: You have in each of your packets the facts, you have already heard them.

I mean, unless you feel you have more questions, there will be something on the record that already states the facts for each one of these cases.

If you don't feel you need anymore from him, you can rely on what's in each one of the packets and then the only necessary other procedural requirement is to have it open for public comment.

CHAIRPERSON FERRELL: Anyone on the board have anymore comments, questions?

(No audible responses.)

CHAIRPERSON FERRELL: Open it up to public remarks.

(No audible responses.)

CHAIRPERSON FERRELL: Seeing none, the city have any remarks?

MS. SAARELA: No.

CHAIRPERSON FERRELL: Open it up to the board for discussion.

MR. SANGHVI: No other comments.

I agree with the request. Thank you.

CHAIRPERSON FERRELL: Thank you.

MR. GERBLICK: Case No. PZ13-0045, for Lot 14 -- I guess it is 46, sorry, I move that we grant the variances as requested as there are unique circumstances.
or physical conditions of the property, such as the shape, topography and other similar physical conditions and the need for the variance is not due to the applicant's personal or economic difficulty.

The need is not self-created due to the size and zoning of the property. The requested variance in the minimum variance necessary to do substantial justice to the applicant as well as other property owners in the district. And the requested variance will not cause an adverse impact on surrounding property, property values or the use and enjoyment of the property in the neighborhood or zoning district.

MR. IBE: Second.

CHAIRPERSON FERRELL: A motion and a second.

Ms. Pawlowski, can you call the roll?

MS. PAWLOWSKI: Member Gerblick?

MR. GERBLICK: Yes.

MS. PAWLOWSKI: Member Ibe?

MR. IBE: Yes.

MS. PAWLOWSKI: Member Sanghvi?

MR. SANGHVI: Yes.

MS. PAWLOWSKI: Chairperson Ferrell?

CHAIRPERSON FERRELL: Yes.

MS. PAWLOWSKI: Motion passes
four to zero.

CHAIRPERSON FERRELL: Case No. PZ13-0047, Lot 15 Pioneer Meadows Subdivision.

Any public remarks or comments?

(No audible responses.)

CHAIRPERSON FERRELL: Seeing none, anything from the city?

MS. SAARELA: No.

MR. BOULARD: No.

CHAIRPERSON FERRELL: I'll open it up to the board for discussion.

MR. SANGHVI: No comments.

CHAIRPERSON FERRELL: I'll entertain a motion.

MR. GERBLICK: In Case No. PZ13-0047, I move that we grant the variances as requested.

There are unique circumstances or physical conditions of the property, such as the shape, topography and other physical conditions and the need of the variance is not due to the applicant's personal or economic difficulty.

The need is not self-created due to the size and zoning of the property.

And the requested variance is the minimum variance necessary to do substantial justice to the applicant as well as other property
owners in the district.

The requested variance will not cause an adverse impact on surrounding property, property values or the use and enjoyment of the property in the neighborhood or zoning district.

MR. IBE: Second.

CHAIRPERSON FERRELL: A motion and second, Ms. Pawlowski, can you call the roll.

MS. PAWLOWSKI: Member Gerblick?

MR. GERBLICK: Yes.

MS. PAWLOWSKI: Member Ibe?

MR. IBE: Yes.

MS. PAWLOWSKI: Member Sanghvi?

MR. SANGHVI: Yes.

MS. PAWLOWSKI: Chairperson Ferrell?

CHAIRPERSON FERRELL: Yes.

MS. PAWLOWSKI: Motion passes four to zero.

CHAIRPERSON FERRELL: Case No. PZ13-0048, Lot 61 Pioneer Meadows Subdivision.

Any public comments or remarks?

(No audible responses.)

CHAIRPERSON FERRELL: Any comments from the city?

MS. SAARELA: No.
MR. BOULARD: No.

CHAIRPERSON FERRELL: Open it up to the board for discussion.

(No audible responses.)

CHAIRPERSON FERRELL: Entertain a motion.

MR. GERBLICK: Case No. PZ13-0048, Lot 61, I move that we grant the variance as requested.

As there are unique circumstances or physical conditions of the property, such as the shape, topography or other physical conditions, and the need for the variance is not due to the applicant's personal or economic difficulty.

The need is not self-created due to the size and zoning of the property, and the requested variance is the minimum variance necessary to do substantial justice to the applicant as well as other property owners in the district.

The requested variance will not cause an adverse impact on surrounding property, property values or use and enjoyment of the property in the neighborhood or zoning district.

MR. IBE: Second.

CHAIRPERSON FERRELL: Hearing a
motion and second, Ms. Pawlowski, can you call the roll.

MS. PAWLOWSKI: Member Gerblick?
MR. GERBLICK: Yes.
MS. PAWLOWSKI: Member Ibe?
MR. IBE: Yes.
MS. PAWLOWSKI: Member Sanghvi?
MR. SANGHVI: Yes.
MS. PAWLOWSKI: Chairperson Ferrell?
CHAIRPERSON FERRELL: Yes.
MS. PAWLOWSKI: Motion passes four to zero.
CHAIRPERSON FERRELL:
Congratulations.
MR. BOWMAN: Thank you very much.
One more comment, if I may, again, thanking all the staff and also Mr. Greg Nelson for all his good cooperation.
I just want to share, Mr. Nelson, that as we discussed, we intend to make the deed restrictions and deliver those to each and every potential purchaser of these lots so that they know the next step is to go to the association for their approval before they come to the city for their plan approval.
But thank you very, very much for your timely approval. Thank you.
CHAIRPERSON FERRELL: Have a good
evening.

Other matters? Anything from the city?

MR. BOULARD: Nothing.

MS. SAARELA: No.

MR. SANGHVI: Just one comment.

Got some new lights here. I can barely see the faces of the people who are making the presentation.

MR. BOULARD: I will bring that up with the folks behind the glass.

MR. SANGHVI: I'll have to bring sunshades next time. Thank you.

CHAIRPERSON FERRELL: Thank you.

Any other matters?

(No audible responses.)

CHAIRPERSON FERRELL: Make a motion for adjournment?

MR. SANGHVI: I make a motion to adjourn the meeting.

MR. IBE: I second that.

CHAIRPERSON FERRELL: Motion and second, the meeting is adjourned.

(The meeting was adjourned at 8:04 p.m.)

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

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

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

IN WITNESS THEREOF, I have hereunto set my hand at the