

1 REGULAR MEETING - ZONING BOARD OF APPEALS
 2 CITY OF NOVI
 3 Tuesday, January 8, 2013

4
 5 Proceedings had and Testimony taken in the
 6 matter of the ZONING BOARD OF APPEALS, at City of Novi ,
 7 45175 West Ten Mile Road, Novi , Michigan, on Tuesday,
 8 January 8, 2013

- 9 BOARD MEMBERS
 10 Ricky Ibe, Chairman
 11 Linda Krieger
 12 Jeffrey Gedeon
 13 Brent Ferrell
 14 Donna Skelcy
 15 David Ghannam

16
 17 ALSO PRESENT: Charles Boulard, Building Official
 18 Beth Saarela, City Attorney
 19 Coordinator: Angela Pawlowski , Recording Secretary
 20
 21 REPORTED BY: Jennifer L. Wall , Certified Shorthand
 22 Reporter
 23
 24
 25

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1 Novi , Mi chi gan.
 2 Tuesday, January 8, 2013
 3 7: 00 p. m.
 4 ** ** **
 5 CHAIRMAN IBE: Good evening and
 6 welcome to the January 8, 2013 Ci ty of Novi
 7 Zoni ng Board of Appeal s meeti ng.
 8 Please all rise for the PI edge of

9 Allegiance. Member Krieger, can you please
10 lead us.

11 (Pledge of Allegiance recited.)

12 MR. GHANNAM: Thank you.

13 For those of you who are
14 interested in the agenda for today's meeting,
15 it can be found in the back of the room.

16 And just so you understand,
17 the -- today we do have a member that is not
18 here, however, we do have a quorum, so all
19 the decisions that are made today will be
20 fine.

21 If anyone would like to have a
22 full board present, they may have the
23 discretion to have their case tabled for
24 another time.

25 However, any decision today will

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4

1 be final.

2 Ms. Pawlowski, please call the
3 roll.

4 MS. PAWLOWSKI: Member Gedeon?

5 MR. GEDEON: Here.

6 MS. PAWLOWSKI: Member Gerbluck
7 is absent, excused.

8 Member Ghannam?

9 MR. GHANNAM: Here.

10 MS. PAWLOWSKI: Chairman Ibe?

11 CHAIRMAN IBE: Present.

12 MS. PAWLOWSKI: Member Krieger?

13 MS. KRIEGER: Here.

14 MS. PAWLOWSKI: Member Sanghvi is
15 absent.

16 Member Skelcy?

17 MS. SKELCY: Here.

18 MS. PAWLOWSKI: Member Ferrell?

19 MR. FERRELL: Here.

20 CHAIRMAN IBE: Thank you. Now,
21 when you're called up for presentation of
22 your case, please remember to state your full
23 name, spell your last name, and if you are
24 not an attorney, raise your hand to be sworn.

25 Now, the applicants are allowed

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5

1 five minutes to make a presentation. And at
2 the discretion of the chair, you will be
3 given additional time to make a presentation.

4 Do we have any changes to the
5 agenda for today?

6 MS. PAWLOWSKI: No.

7 CHAIRMAN IBE: Seeing none, can I
8 get a motion to approve the agenda?

9 MR. GHANNAM: I move to approve
10 the agenda.

11 MS. SKELCY: Second.

12 CHAIRMAN IBE: All those in favor
13 say aye.

14 THE BOARD: Aye.

15 CHAIRMAN IBE: All opposed?

16 (No audible responses.)

17 CHAIRMAN IBE: Seeing none, the
18 agenda is hereby adopted.

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19 We will now open the public
20 remarks section. Is there anyone who would
21 like to make a comment? A comment is
22 anything that's unrelated to any specific
23 case before the board this evening, but any
24 comments at all.

(No audible responses.)

6

1 CHAIRMAN IBE: Seeing none, we
2 will close that and we will move onto our
3 first case for today.

4 That would be Case No.
5 PZ-12-0053, for 40623 Nine Mile Road.

6 Seeing that the applicant is
7 already there. Sir, you are not an attorney,
8 raise your right hand, to be sworn.

9 MR. MARTIN: Louis Anthony
10 Martin, 22327 Sunrise Boulevard, Novi 48375.

11 MS. KRIEGER: In Case No.
12 PZ-12-0053, do you swear to tell the truth?

13 MR. MARTIN: Yes.

14 MS. KRIEGER: Thank you.

15 MR. MARTIN: Thank, Mr. Chair,
16 for the opportunity to speak with you tonight
17 and Members of the Zoning Board of Appeals.

18 Our case before you tonight is we
19 are requesting a variance to allow the
20 installation of a second subdivision entrance
21 sign at the Whispering Meadows subdivision.

22 We have approximately 350 homes
23 in our subdivision. We're the second oldest

24 sub in Novi, second to Village Oaks, little
25 bit smaller than Village Oaks.

7

1 The reason I tell you that is
2 because as our subdivision became built out,
3 the need for a secondary sign became
4 apparent.

5 That took the course of many
6 years. We have a main sign coming into the
7 subdivision off of Sunrise Boulevard. Our
8 secondary entrance on Mill Road does not have
9 a sign, although, our subdivision grew that
10 way, on the south portion of Novi along Nine
11 Mile heading westerly.

12 So what we are looking to do is
13 put a small sign off of Nine Mile, on Mill.
14 That is the application that you see before
15 you. Thank you.

16 MR. GHANNAM: Thank you.

17 Is there anyone in the audience
18 who would like to make a comment regarding
19 this particular case?

20 (No audible responses.)

21 CHAIRMAN IBE: Seeing none -- I'm
22 sorry? Were you going to say something?

23 MR. MARTIN: No.

24 CHAIRMAN IBE: Seeing none, I
25 will ask Madam Secretary to read into the

8

1 record any correspondence that was received.

2 MS. KRIEGER: In Case No.
Page 6

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3 PZ-12-0053, 35 were mailed, one returned, one
4 approval, zero objections.

5 The approval is "In an effort to
6 make this subdivision more attractive and
7 comparable to other subdivisions along Nine
8 Mile Road from Haggerty to Beck Road, I am in
9 favor of placement of this sign, as long as
10 it doesn't interfere with site distance and
11 the landscaping around the sign, it completed
12 to match the east entrance." That's from
13 Matt Parks.

14 CHAIRMAN IBE: Thank you, Madam
15 Secretary.

16 I will now turn to the city for
17 any comment they may have?

18 MR. BOULARD: Mr. Chairman, happy
19 to stand by for questions.

20 The staff comments did note that
21 as a suggested condition, for consideration
22 that, if the sign ever needs to be removed,
23 for expansion of the road in the
24 neighborhood, and so, they should be
25 responsible for that.

♀

1 And also that the location within
2 the right-of-way be approved by the
3 Department of Public Services. Thank you.

4 CHAIRMAN IBE: Thank you,
5 Mr. Boulard.

6 City attorney have any comments?

7 MS. SAARELA: Nothing to add to
Page 7

8 that.

9 CHAIRMAN IBE: Very well. We
10 will now open it up to the board for
11 discussion.

12 Yes, Member Skelcy?

13 MS. SKELCY: I don't think
14 that -- wow, this is really loud.

15 I don't think that you have
16 explained well enough for me, why you feel
17 you need a second sign.

18 I know you said that it became
19 apparent, but it's not so apparent to me.
20 Could you go into more detail, please.

21 MR. MARTIN: I think there is
22 several things that our residents feel
23 strongly about in that area.

24 There are kind of two ways to
25 approach it.

♀

10

1 First, the residents in Mill
2 Court east and west subdivisions of
3 Whispering Meadows, have always felt that
4 since the beginning of the subdivision, there
5 was a promise from the board for an
6 identification of a subdivision entrance at
7 their entrance, to demark it, to make it
8 easier for them to in the evening be able to
9 let people know that, hey, you're turning at
10 the second sign, when you see the first
11 Whispering Meadows sign.

12 So there was an expectation to
Page 8

13 the residents at that point in time.

14 When I took over the board six,
15 seven years ago, we heard strongly from the
16 residents that that's what they would want in
17 our annual meetings.

18 Secondly, I think there is --
19 conformity is much too strong of a word, but
20 many of our residents also feel there are
21 several subdivisions that do have signs at
22 each entrance, which would make it equal to
23 some of the other subdivisions.

24 So really from the perspective of
25 our community, those are the two things that

1 resonate with us the most.

2 MS. SKELCY: Thank you.

3 CHAIRMAN IBE: Yes?

4 MS. SAARELA: Before I guess we
5 go forward and ask any further questions, I
6 just would want to clarify that the actual
7 variance is because the sign is in the public
8 right-of-way not because it's a second sign.
9 The issue of the second sign is really not
10 relevant to the question.

11 CHAIRMAN IBE: Thank you, city
12 attorney for having to clarify that issue.

13 Do we have any additional
14 comments from members? Yes, Member Ghannam?

15 MR. GHANNAM: Yes, I have no
16 problem with it. I know my subdivision has
17 two signs. I live down the street in Chase

18 Farms. I drive up and down Nine Mile all the
19 time. I understand the need.

20 Here we are only worried about
21 the right-of-way as long as the Department of
22 Public Services has no problem and the
23 subdivision agrees to remove it, if
24 necessary, for road or other improvements. I
25 have got no problem with that.

♀

12

1 MR. MARTIN: Thank you. I know
2 as a board we would absolutely acquiesce to
3 the stipulation that we would remove or
4 relocate the sign should there be sidewalks
5 or roads -- I'd like to say for the record,
6 if there were a sidewalk, we would be
7 overjoyed. But happy to remove that.

8 CHAIRMAN IBE: Thank you. Any
9 additional comments or questions?

10 (No audible responses.)

11 CHAIRMAN IBE: Seeing no
12 additional questions or comments, I will
13 entertain a motion.

14 Yes?

15 MR. GHANNAM: I'll go ahead and
16 make a motion in item number one, Case No.
17 PZ-12-0053 for 40263 Nine Mile Road.

18 I move that we grant the
19 motion -- or strike that.

20 I move that we grant the petition
21 as requested, with the condition that if the
22 sign needs to be moved as a result of any

23 conflict of future road or pathway
24 improvements, it would borne at the expense
25 of the subdivi sion.

13

1 Number one, the circumstances are
2 unique and the physical conditions of the
3 property, such as the narrowness, shape and
4 so forth, this isn't to necessitate in the
5 variance. The need is not self-created.

6 Strict compliance with the
7 regulations governing the area setback and so
8 forth will render the conformity with those
9 regulations unnecessarily burdensome.

10 The requested variance is the
11 minimum variance requested necessary to do
12 substantial justice and it will not cause
13 adverse impact of surrounding properties.

14 MS. KRIEGER: Second.

15 CHAIRMAN IBE: Seeing that a
16 motion has been made and seconded, do we have
17 any further discussion regarding the motion?

18 Seeing none, I will ask the
19 recording secretary to please call the roll.

20 MS. PAWLOWSKI: Member Gedeon?

21 MR. GEDEON: Yes.

22 MS. PAWLOWSKI: Member Ghannam?

23 MR. GHANNAM: Yes.

24 MS. PAWLOWSKI: Chair man I be?

25 CHAIRMAN IBE: Yes.

14

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1 MS. PAWLOWSKI: Member Krieger?
2 MS. KRIEGER: Yes.
3 MS. PAWLOWSKI: Member Skelcy?
4 MS. SKELCY: Yes.
5 MS. PAWLOWSKI: Member Ferrell?
6 MR. FERRELL: Yes.
7 MS. PAWLOWSKI: Motion passes six
8 to zero.
9 CHAIRMAN IBE: Congratulations.
10 MR. MARTIN: Thank you very much
11 for your time, we appreciate it. Thank you.
12 CHAIRMAN IBE: That will bring us
13 to our second case for today. Case No.
14 PZ-12-0054, 23925 East Lebest.
15 Will the applicant please come to
16 the podium. Please state and spell your
17 name for the record.
18 If you are not an attorney,
19 please raise your right hand and you will be
20 sworn. Thank you.
21 MS. RESSEGUIE: Karen Ressegui e,
22 R-e-s-s-e-g-u-i-e.
23 MS. KRIEGER: In Case No.
24 PZ-12-0054, do you swear or firm to tell the
25 truth?

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15

1 MS. RESSEGUIE: I do.
2 MS. KRIEGER: Are you all going
3 to speak?
4 MS. RESSEGUIE: They will.
5 MS. KRIEGER: If you could also

6 add your names and spell them, please,
7 please.

8 MR. VICKSTROM: Kenneth
9 Vickstrom, V, as in Victor, i-c-k-s-t-r-o-m.

10 MR. LEE: Kevin Lee, L-e-e.

11 MS. KRIEGER: Thank you. In Case
12 No. PZ-12-0054, do you swear or affirm to
13 tell the truth in this case?

14 MR. VICKSTROM: I do.

15 MR. LEE: I do.

16 CHAIRMAN IBE: Please go ahead.

17 MS. RESSEGUIE: The reason for
18 our meeting today is to approve a variance
19 for the carport that I have put up.

20 CHAIRMAN IBE: I'm sorry? Are
21 you done?

22 MS. RESSEGUIE: Well, we are here
23 to ask for the variance of the existing
24 carport. I got the structure. I have got
25 the builder here. I have got photographs

♀

16

1 supporting that the old carport was very
2 dangerous. It's a rental property. It
3 supports that it was ready to fall down.

4 The house was built in 1953, and
5 at the time when the home was built, they
6 actually put the gas line through the roof of
7 the carport and on the outside structure.

8 Due to the carport being in so --
9 in bad shape, I have a family in there of
10 five with three young children, it's a hazard

11 that it was going to fall down, if it did
12 fall down, it could have did damage to the
13 gas line, it could have caused an explosion,
14 so we are asking today to be able to move
15 forward and --

16 MR. LEE: Is there a way we could
17 put these pictures up on the projector?

18 CHAIRMAN IBE: Yes.

19 MR. LEE: Is there a focus on
20 this, or are we doing something wrong?

21 CHAIRMAN IBE: Could be both.

22 MR. LEE: Does anybody know how
23 to work this?

24 (A pause was had in the proceedings.)

25 MR. LEE: Let me start with this

♀

17

1 picture here.

2 At the beginning of what we had
3 come across. Initially it had a flat roof on
4 it, you can see all the water damage on the
5 roof. It was pretty much just about ready to
6 fall in.

7 At that point, the homeowners
8 decided they wanted to take it off, and
9 something put back in its same place.

10 This picture here shows the gas
11 meter in the location right next to a support
12 pole.

13 We took some steps to get that
14 gas meter moved, and that's now in the back
15 of the house in a better location.

16 And this main gas line was
17 running through the soffit of the carport, so
18 if that structure had fallen in, that would
19 have taken that gas line with it and caused
20 some serious problems.

21 So we decided -- or the
22 homeowners decided they wanted to go ahead
23 and remove that carport, put one back in its
24 place, and take the necessary steps to move
25 the gas meter.

♀

18

1 So what we had done -- or I had
2 done, was when I had put a carport on it, in
3 its exact location, I think it's 16 inches
4 longer than the original one, but for the
5 most part, it's the same width, the same
6 length, and it carries the same roof line as
7 the old home.

8 Since the home was approved for a
9 two car garage six years ago, the homeowners
10 felt we could just go ahead and take the old
11 one off, put a new one on there.

12 It was quite evident that if this
13 one held up through the next snow load or any
14 snow load at all, so we went ahead and took
15 it off, and put this one on.

16 That's where we are at. There is
17 a picture of the gable end. That's basically
18 the same size as the old one.

19 So we are asking for approval of
20 the variance, so that we can continue on and

21 130108.txt
get this thing finished.

22 MS. RESSEGUIE: I also would like
23 to point out the home was up for sale, and I
24 actually lost the sale of the home due to the
25 inspection.

19

1 I have documentations supporting
2 from my realtor, as well as the other
3 purchasing buyer at the time, indicating that
4 the reason that they were forfeiting on the
5 sale was due to the carport, as it was very
6 hazardous, it was ready to fall down, and
7 therefore, they were declining my sale.

8 At that time, I did go ahead and
9 move forward with it becoming a rental
10 property.

11 So I have supporting
12 documentation that says that it was
13 dangerous, and like I said, I'm going to
14 reiterate, that there was a family of five in
15 there, they have three young children, if
16 that would have fallen down, I can't even
17 imagine the horribleness that I would feel,
18 any anyone else.

19 CHAIRMAN IBE: Thank you. Do you
20 have any additional comments?

21 MS. RESSEGUIE: No. We have
22 photos that support that a gas line has been
23 moved into the back of house where it's
24 supposed to be, because it didn't meet code.

25 I also have photographs

1 supporting that because of the age of the
2 subdivision, there are other homes in there
3 that do have this same situation that I do,
4 where the actual gas line runs through the
5 roof line of the carport, so if they were to
6 move or it was to fall down, they're going to
7 run across the same situation that I was in.

8 CHAIRMAN IBE: Thank you very
9 much.

10 Is there anyone in the audience
11 who would like to make a remark regarding
12 this particular case?

13 Please, sir, come to the podium,
14 when you do, state your first and last name
15 and spell your last name.

16 If you're not an attorney, please
17 raise your right hand to be sworn in.

18 MR. STOTLER: My name is
19 Tim Stotler, S-t-o-t-l-e-r.

20 MS. KRIEGER: In Case No.
21 PZ-12-0054, do you swear to tell the truth?

22 MR. STOTLER: Yes.

23 I come as a resident. I live
24 right down the street, a little bit farther
25 south of this home, on East Lebest.

♀

1 The work that they have already
2 done, it looks good. I like the fact that
3 they carried the roof line equal with the
4 roof instead of going with a flat roof.

5 The investment in their home here
6 is an investment in our entire Willowbrook
7 subdivision as a whole, and not only is this
8 investment an investment in their property,
9 but also brings up the property values of the
10 rest of the homes in our residence -- in our
11 subdivision.

12 So as a resident, I ask that you
13 guys would consider passing or approving
14 their request for the variance because I
15 think it brings value to all of our homes.

16 Not only that, but I drive by it
17 just about every day. Thank you.

18 CHAIRMAN IBE: Thank you, sir. I
19 will ask our secretary to read into the
20 record any correspondence received.

21 MS. KRIEGER: In Case No.
22 PZ-12-0054, 68 were mailed, zero returned,
23 zero approvals, zero objections. Thank you.

24 CHAIRMAN IBE: Thank you, Madam
25 Secretary.

‡

22

1 I will now turn to the city for
2 any comments.

3 MR. BOULARD: I would just like
4 to clarify one point.

5 The new carport is larger than
6 the existing -- or the previously existing
7 carport by a certain width. I think it's
8 about 16 or 18.

9 MR. LEE: Yes, I stated it was
 Page 18

10 16 inches.

11 MR. BOULARD: I just wanted to
12 clarify that. Thank you.

13 CHAIRMAN IBE: Thank you,
14 Mr. Boulard. Does the city attorney have any
15 comments?

16 MS. SAARELA: No.

17 CHAIRMAN IBE: Seeing none, I
18 will open it up to the board for discussion.
19 Yes, Member Ghannam.

20 MR. GHANNAM: I just had a
21 question for the city. The original carport,
22 was that allowed when it was originally
23 built?

24 MR. BOULARD: The original -- the
25 home was constructed in what would be the

♀

23

1 current front setback, it was existing
2 non-conforming.

3 I could not find a previous
4 variance or a permit for that carport, so I'm
5 not sure when it was built.

6 MR. GHANNAM: Was that the
7 non-conformity that was referenced in our
8 paperwork?

9 MR. BOULARD: Well, that and the
10 fact that the entire house and the old
11 carport are in the front setback.

12 So the previous carport was my
13 understanding actually extended further into
14 the front setback than the current

15 replacement was.

16 MR. GHANNAM: Okay.

17 My comments to you are just
18 generally, what you're requesting, ma'am,
19 makes complete sense.

20 My only criticism is that you did
21 it without, you know, permits and approvals
22 from the city first, as well as coming to the
23 zoning board.

24 I know you may not have believed
25 you needed it or thought of it, but that is

24

1 what is required.

2 Now you built it, now the
3 question becomes, you know, trying to get
4 approval for what you have already done.
5 That's my only criticism.

6 But what you are requesting makes
7 sense. I mean, I agree with it personally.
8 So I mean, although it was done after -- you
9 know, or prior to coming to here, I still
10 would be willing to support it. Thank you.

11 CHAIRMAN IBE: Thank you, Member
12 Ghannam.

13 Any additional comments or
14 questions?

15 (No audible responses.)

16 CHAIRMAN IBE: Seeing none, I
17 will entertain a motion.

18 MS. SKELCY: I move in the Case
19 of PZ-12-0054, located at 23925 East Lebest,

20 that we grant the variance as requested,
21 which is to allow construction of an attached
22 carport with a reduced front setback of 25
23 feet and an aggregate side setback of
24 19.5 feet, such that there is a 5.5-foot
25 variance being requested for the aggregate

25

1 side setback.

2 I make the motion based upon the
3 fact that there are unique circumstances and
4 physical conditions of the property, such as
5 narrowness, shallowness, shape, water,
6 topography and other similar conditions.

7 The need is not self-created.
8 There is strict compliance with regulations
9 governing the area setback, frontage, height,
10 bulk, density and other dimensional
11 requirements will unreasonably prevent the
12 property owner from using the property for a
13 permitted purpose.

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

18 In fact, we had a neighbor come
19 forward and explain that he believes that
20 there is an increased property value based on
21 the fact that the carport had been added.

22 The requested variance will not
23 cause an adverse impact on surrounding
24 properties, property values or the use and

25

enjoyment of the property in the neighboring

26

1

or zoning district.

2

MR. GEDEON: Second.

3

CHAIRMAN IBE: Seeing that a

4

motion has been made and seconded, is there

5

any further reason to --

6

MS. KRIEGER: Don't forget

7

permits. Thanks.

8

MR. GHANNAM: Thank you. Please

9

call the roll.

10

MS. PAWLOWSKI: Member Gedeon?

11

MR. GEDEON: Yes.

12

MS. PAWLOWSKI: Member Ghannam?

13

MR. GHANNAM: Yes.

14

MS. PAWLOWSKI: Chairman Ibe?

15

CHAIRMAN IBE: Yes.

16

MS. PAWLOWSKI: Member Krieger?

17

MS. KRIEGER: Yes.

18

MS. PAWLOWSKI: Member Skelcy?

19

MS. SKELCY: Yes.

20

MS. PAWLOWSKI: Member Ferrell?

21

MR. FERRELL: Yes.

22

MS. PAWLOWSKI: Motion passes six

23

to zero.

24

CHAIRMAN IBE: Congratulations.

25

MS. RESSEGUIE: Thank you very

27

1

much.

2

CHAIRMAN IBE: We'll now turn our

3 third case for tonight. That's Case No.
4 PZ-12-0055, 39595 Ten Mile Road.

5 Will the applicant please come to
6 the podium, please state your first and last
7 and spell your last name.

8 And if you are not an attorney,
9 please raise your right hand to be sworn.

10 MS. ZAID: I'm Eden Zaid,
11 E-d-e-n, Z-a-i-d.

12 MS. KRIEGER: In Case No.
13 PZ-12-0055, do you swear to tell the truth in
14 this case?

15 MS. ZAID: I do.

16 MS. KRIEGER: Thank you.

17 MS. LEIGHTON: Jeff Leighton,
18 L-e-i-g-h-t-o-n.

19 MS. KRIEGER: In same case
20 number, Case No. PZ-12-0055, do you swear to
21 tell the truth in this case?

22 MR. LEIGHTON: Yes.

23 MS. ZAID: Good evening, ladies
24 and gentlemen.

25 My husband and I are the owners

♀

28

1 of the Holly Hill professional village on
2 West Ten Mile Road. And we appreciate the
3 opportunity to appear before you tonight.

4 Jeffrey Leighton is the CFO of
5 National Diagnostics, one of our major
6 tenants in the complex.

7 We are requesting a variance

8 which will allow the mobile heart monitor
9 trailer to remain on our property for up to
10 48 hours.

11 It has been doing so since 2004
12 and there was a variance granted previously,
13 however, the prior owner let it lapse and did
14 not renew it, and so we are trying to recoup
15 what's already been granted.

16 Since he already received the
17 application and permit information, I won't
18 go through too much detail unless you have
19 questions.

20 This variance was granted in
21 2004. When we purchased the three buildings
22 this last summer, there was only 60 percent
23 occupancy, and we have a great need for
24 remodeling and repairs and we can't really
25 afford to lose one our major tenants.

♀

29

1 Mr. Kaslick (phonetic), the owner
2 of National Diagnostics, was going to be
3 here, but something came up at the last
4 minute, and Jeff Leighton was kind enough to
5 come in his place.

6 He incurred a great deal of
7 expense installing the concrete pad, the
8 underground electrical wiring and plumbing
9 and conduits and everything needed for this
10 trailer and worked very closely with the City
11 of Novi and met all the requirements and has
12 been a model tenant, not just for the short

13 time we have been there, but through the
14 records over the last eight years, ten years.

15 Mr. Kaslick will have no choice
16 but to relocate his business outside of Novi,
17 where it won't be a problem for his trailer
18 to be operable and easily accessible for his
19 business. His trailer is essential to his
20 business.

21 He's also valuable to our other
22 tenants, who are mostly physicians, and uses
23 the services that he provides, which are
24 MRIs, CAT scans, heart monitoring, wellness,
25 all kinds of services in the medical field of

30

1 which are -- buildings are medical buildings,
2 so most of the professionals network with
3 each other.

4 Plans are underway to remodel the
5 outside of the building, replace the current
6 parking lot, and we hope to start this
7 spring.

8 We are doing everything possible
9 to improve the curb appeal, to attract
10 additional tenants to the complex to bring
11 pride to the City of Novi.

12 It's a great location by the
13 Jaguar dealership, Ten Mile and Novi, but the
14 building is over 30 years old and has never
15 been upgraded, maintained and taken care of.
16 It's in pretty bad shape.

17 We are going to -- we are working

18 with the city right now with plans to make it
19 go upwards higher, improve, redo the parking
20 lot, it's in very bad shape, the landscaping.

21 But we are basically taking the
22 money out of the complex, putting it back
23 into the complex and National Diagnostics are
24 a great tenant. We really hate to lose them.
25 I don't think that Novi would probably like

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31

1 to lose them either.

2 We are all here to do what's in
3 the best interest of the City of Novi, its
4 residents and the businesses that make Novi
5 the dynamic and prospering city that it is
6 today.

7 Denying this variance will be a
8 hardship in the following ways: Loss of
9 income that would be used to upgrade and
10 improve the property. Loss of revenue to the
11 City of Novi, loss of services to tenants in
12 the already struggling complex. Relocation
13 of a business that is doing well, providing
14 valuable services to the residents of Novi
15 and loss of jobs.

16 I want to thank you for allowing
17 me to say this, and also that I worked for
18 City of Novi about 35 years ago, when you
19 were a two-story bi-level building over on
20 Paul Bunyan, by Twelve Oaks, when they were
21 building Twelve Oaks, and coming here the
22 last few months has been amazing, with the

23 building, the people, the growth, and it's
24 phenomenal. I'm really proud to be part of
25 Novi in some way, be a business, or

32

1 otherwise, but we do want our complex to
2 succeed and we need your help to keep our
3 tenants so that we don't get demoralized.
4 The tenants -- we already have some empty
5 parking lots, some of the buildings are half
6 empty.

7 We want cars to drive by and see
8 lots of cars, hustle and bustle, people in
9 and out and by keeping National Diagnostics
10 with us and not forcing them out, because of
11 this variance, that would be so helpful and
12 appreciated.

13 That's all I have to say.

14 MR. LEIGHTON: Just to give you a
15 little bit of information on National
16 Diagnostics.

17 We are a diagnostic mobile
18 medical service company. We specialize in
19 early detection cardiovascular disease.

20 We're probably one of the
21 largest, if not the largest, mobile
22 diagnostic service in Michigan, and we are
23 glad to be housed here in Novi.

24 We have up to about 75 employees.
25 I just kind of want to reiterate what Eden

33

1 said. It is very important for us to get
Page 27

2 this variance for a couple reasons, so we can
3 continue to have lower rates for the medical
4 services, when we can bring the community
5 members to us, instead of having them go to
6 the hospital and incur the abundance of cost
7 there. And also for the local physicians.

8 And usually it's about one to two
9 days every other week while we are there.

10 MS. ZAID: Yes, the 48 hours is
11 totally the maximum. They're usually there
12 one day a week. They want the 48 hours
13 because sometimes weather prevents them from
14 hauling out as quick as they like and so on.

15 But at the present time, they are
16 only using them one day a week. We don't
17 want to be in violation. We want to always
18 be in compliance, so the two days will make
19 sure we are always in compliance.

20 CHAIRMAN IBE: Thank you.

21 MS. ZAID: Thank you.

22 CHAIRMAN IBE: Is there anybody
23 in the audience who would like to make a
24 comment regarding this particular case?

25 (No audible responses.)

♀

34

1 CHAIRMAN IBE: Well, seeing none,
2 I will ask Madam Secretary to read into the
3 record any correspondence.

4 MS. KRIEGER: In Case No.
5 PZ-12-0055, 41 were mailed, four returned,
6 one approval, zero objections.

7 The approval is "National
8 Diagnostics provides needed services to a
9 large patient population. Their presence in
10 our complex adds value to our practice and
11 increases flow to our building. We would
12 appreciate any ordinances that aide them in
13 remaining a tenant in our complex. Two days
14 a week is not a long time." From Prime Care
15 of Novi, Theodore -- I can't make out his
16 name either. Shiley (phonetic).

17 CHAIRMAN IBE: Thank you, Madam
18 Secretary.

19 I will now turn to the city for
20 any comment they have.

21 MR. BOULARD: Nothing to add.

22 MR. GHANNAM: Thank you,
23 Mr. Boulard.

24 City attorney?

25 MS. SAARELA: Nothing other than

♀

35

1 if you are considering granting the variance,
2 to look at the scope of limiting it to the
3 tenant, the term and the number of days per
4 week.

5 CHAIRMAN IBE: Thank you. I will
6 now open it up to the board for discussion.

7 Yes, Member Ghannam.

8 MR. GHANNAM: Actually, that's
9 what I had on my mind.

10 How long is your lease for?

11 MS. ZAID: It's the end of 2014.

12 MR. GHANNAM: And with what
13 counsel was just indicating, is that what --
14 do you have a problem limiting it with your
15 tenancy, whether it be currently, or if you
16 extended the lease or signed a new lease,
17 limiting it to that?

18 MS. LEIGHTON: That would be a
19 portion of it, yes. The mobile diagnostic
20 trailer coming there is a big part of our
21 business, especially in support for the other
22 doctors, especially that it's housed in a
23 certain area there and in the same complex.

24 MR. GHANNAM: And I presume that
25 these are the types of tests that you can't

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1 inside of the building?

2 MS. LEIGHTON: No, all the
3 equipment is inside affixed in the mobile,
4 the CT scans.

5 MR. GHANNAM: When did the other
6 temporary use permit -- when did that expire?

7 MS. ZAID: Mr. Ghannam, I don't
8 believe it was a temporary one. It did
9 expire, but I think it was a permanent one.

10 MR. GHANNAM: That's the nature
11 of temporary, it can expire. That's what I'm
12 thinking.

13 MR. BOULARD: I believe it was
14 2004.

15 MR. GHANNAM: 2004, okay.

16 And although you requested 48

17 hours in a particular calendar week, are
18 there specific days that you would be
19 there --

20 MS. LEIGHTON: It could be two
21 weeks in a row, it could be two days, or it
22 could be every other week.

23 MR. GHANNAM: My question is, if
24 you came in a particular week, would it be
25 always Monday, Tuesday or two particular days

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1 or does that vary within the week?

2 MS. LEIGHTON: That would vary.

3 MR. GHANNAM: That would vary.
4 So you would have a hard time having us limit
5 it to two particular days of the week?

6 MS. LEIGHTON: Yes. We are at
7 1,400 physicians throughout Michigan besides
8 that location.

9 MR. GHANNAM: This is simply a
10 trailer that sits in the parking lot, I
11 presume?

12 MS. LEIGHTON: Yes.

13 MR. GHANNAM: When it sits in the
14 parking lot, when you're there, when you come
15 in, let's say on a Monday, it will be for
16 there for, let's say, a 24 hour period, then
17 it would leave?

18 MS. LEIGHTON: Yes.

19 MR. GHANNAM: You don't sit there
20 and bring it back and forth --

21 MR. LEIGHTON: No, too costly.

22 MS. ZAID: It's actually not even
23 in the parking lot. It is right next to the
24 building. They built their own concrete pad,
25 and it sits right flush to the building, so

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1 it's not even taking up parking space or
2 sticking out in the parking lot causing
3 anyone trouble seeing behind it or getting
4 through it.

5 MR. GHANNAM: I personally have
6 no problem with it, sir.

7 I agree -- actually we did grant
8 one of these before. I want to say it was at
9 Meadowbrook at Eleven Mile, that medical
10 building there. I don't know if your company
11 services that building. I remember it was
12 some type of diagnostic testing. It was
13 several years ago.

14 But I have no problem with it. I
15 do agree that it should be limited to 48
16 hours within a calendar week. And it would
17 only be good during your company's particular
18 tenancy, as opposed to, for example, if your
19 company left, any new potential tenant that
20 would replace you, would need to come in and
21 seek another variance, if they needed it.

22 I would be in support of that.

23 Thank you.

24 CHAIRMAN IBE: Yes, Member

25 Gedeon?

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1 MR. GEDEON: My question is for
2 the city, for more details about the
3 particular ordinance at issue.

4 Is the concern that there is a
5 trailer at the -- in the business district
6 where it's not permitted or what is the
7 actual violation?

8 MR. BOULARD: The concern in this
9 case is that we've got a former site plan
10 that didn't include this work and now there
11 is a trailer being parked in a fairly
12 prominent location throughout a number of
13 days of the week.

14 So does that answer your
15 question?

16 MR. GEDEON: It's because this is
17 OS-1, but if this was an industrial property,
18 there would be no issue with parking a
19 trailer there?

20 MR. BOULARD: Yes, if it was an
21 I-2, right, there would not be.

22 MR. GEDEON: So presumably the
23 ordinance doesn't go into details what about
24 the trailer is, it would just have your
25 trailer in OS-1 regardless of what type of

1 trailer it is, it's just not a permitted use?

2 MR. BOULARD: To essentially have
3 a trailer stored or sitting there for an
4 extended periods of time, would not be

5 130108.txt
allowed in this district.

6 MR. GEDEON: What if --
7 hypothetical here, in like building sites,
8 where there is a temporary office building,
9 you know, like a construction office that
10 gets pulled in, is that -- would that fall
11 under the same definition of a trailer?

12 MR. BOULARD: It would, and
13 that's the temporary use process that's
14 referred to. They originally did that back
15 in 2002.

16 The caveat there is those are
17 allowed for the duration of the construction
18 project or for undeveloped sites for a
19 maximum of six months, plus a six month
20 extension. Beyond that, it's in the purview
21 of the ZBA to extend that. That's why they
22 came to the ZBA in '03, the former owners,
23 and that's why they're back here now.

24 MR. GEDEON: Thank you.

25 CHAIRMAN IBE: Member Skelcy?

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1 MS. SKELCY: I have a further
2 follow-up question.

3 So is the term extended defined
4 in the ordinance, and are you reading it to
5 say extended like because it's one or two
6 days every week over a period of years?

7 MR. BOULARD: The ordinance
8 allows the six months, plus the six month --
9 excuse me. I misspoke.

10 One year plus a one year
11 extension for developed parcels. I
12 apologize.

13 Beyond that, essentially what the
14 ZBA would be doing would be granting a
15 variance from that limitation on the
16 temporary use.

17 MS. SKELCY: Okay, thank you.

18 CHAIRMAN IBE: Quick comment. I
19 have no problem with your application as
20 well.

21 And I understand that this
22 service that is being provided is an
23 essential one. And also you are truly
24 (unintelligible) money for the local
25 businesses and many of the doctors in the

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1 area, as well as the patients. So this
2 really is a win-win situation.

3 This is not a nuisance,
4 concerning the fact it's only there for 24 to
5 48 a week. And so I have no problem
6 supporting your application.

7 Do we have any additional
8 questions or comments?

9 Yes, Member Skelcy?

10 MS. SKELCY: On the application,
11 it says two days and two nights, so -- and
12 you indicated, Ms. Zaid, that you're going
13 to -- like if it's there on a Monday, it will
14 stay overnight on Monday night, and then if

15 it was bad weather, it would leave, sometime
16 Tuesday, but possibly be there Tuesday night,
17 too?

18 Because I can understand the two
19 days, but I didn't understand why you need
20 two nights.

21 MS. ZAID: Maybe we didn't think
22 that through too much. It was the 48 hours
23 that they asked me for.

24 So 24 hours, then if it stayed --
25 well, also, if they were to use it two days,

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♀
1 just to not have to come back in six months,
2 if their business grows or they get busier,
3 but as of now, as of the last ten years, they
4 have never used it for more than that.

5 But up to 48 hours will always
6 keep us in compliance, not in violation.

7 Although they felt safe enough to
8 say they won't use it 48 hours, but I want
9 the protection, they probably would have went
10 with a day and a half, but I want to make
11 sure of that, you know, that we are covered
12 for 48 hours.

13 MS. SKELCY: Do they have ever
14 park it on a Friday and leave it over the
15 weekend?

16 MS. ZAID: No, never.

17 MR. LEIGHTON: It's in use over
18 the weekend.

19 MS. ZAID: It's always been

20 Wednesday, Thursday. You know, it might
21 change from Monday, Tuesday, but never on the
22 weekend.

23 CHAIRMAN IBE: Yes, Member
24 Krieger?

25 MS. KRIEGER: This reminds me of

44

1 the PET scan at Providence and that every
2 Friday it's there and then it's gone and
3 doing its other things.

4 So I don't have a problem with
5 this because it's medical, that they're
6 providing a service, providing jobs,
7 providing help to the city and that it's
8 until their lease expires 2014, I believe,
9 that -- to allow it until then, and then if
10 it renews, I don't know if we have to go
11 forward with that, and then to the 48 request
12 they had, and that was it.

13 CHAIRMAN IBE: Thank you, Member
14 Krieger.

15 Do we have any additional
16 comments?

17 MS. ZAID: I just have a question
18 for Ms. Krieger.

19 I thought Mr. Ghannam said
20 tenancy. I interpreted that, if I'm correct,
21 as long as they're tenants need, if they
22 renew their lease in 2014, which they plan
23 to, then it will extend as long as they are
24 tenants or is it just until this lease

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expi res?

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MS. KRIEGER: Ei ther one.

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MS. ZAID: Good.

3

CHAIRMAN IBE: Is that what you

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meant? Clari fication --

5

MR. GHANNAM: That was my

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suggesti on regardless of how long thi s

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parti cular tenant stays, that would be my

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suggesti on, in terms of making a li mitation.

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CHAIRMAN IBE: In the absence of

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any further di scussi on, I wi ll entertain a

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moti on.

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Yes, Member Ferrell.

13

MR. FERRELL: I move to approve

14

the Case No. PZ-12-0055, at 39595 Ten Mile

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Road for the vari ance. The property cannot

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be reasonably used for any other uses

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permi tted by right to special land use in the

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zoni ng di strict in which it is l o cated.

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That the need for the requested

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vari ance is due to the unique circumstances

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or physical condi ti on of the property

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i nvolved, such as narrowness, shallowness,

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shape, water, topography and si mi lar physical

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condi ti ons. And is not due to the

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appli cant's personal or economi c hardshi p.

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The proposed use wi ll not alter

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the essential character of the neighborhood,

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and that the need of the requested vari ance

4 is not the result of actions of the property
5 owner or previous property owners and it is
6 not self-created.

7 Also with the term of 2014 or
8 until when the tenant decides to terminate
9 the lease, for no more than 48 hours in a one
10 week period.

11 Was that it? I don't know if
12 there is something else.

13 MS. SKELCY: That it should be
14 limited to the tenant.

15 MR. FERRELL: Limited to this
16 tenant that's occupying it now.

17 MR. GHANNAM: Your time
18 limitation, 2014 or whenever their tenancy is
19 terminated, whichever is later?

20 MR. FERRELL: Right, whichever is
21 later.

22 MR. GHANNAM: I will second that.

23 CHAIRMAN IBE: Seeing that a
24 motion has been made and seconded, is there
25 any need for further discussion?

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1 (No audible responses.)

2 CHAIRMAN IBE: Seeing none, will
3 the Recording Secretary please call the roll.

4 MS. PAWLOWSKI: Member Gedeon?

5 MR. GEDEON: Yes.

6 MS. PAWLOWSKI: Member Ghannam?

7 MR. GHANNAM: Yes.

8 MS. PAWLOWSKI: Chairman Ibe?

9 CHAIRMAN IBE: Yes.
10 MS. PAWLOWSKI: Member Krieger?
11 MS. KRIEGER: Yes.
12 MS. PAWLOWSKI: Member Skelcy?
13 MS. SKELCY: Yes.
14 MS. PAWLOWSKI: Member Ferrell?
15 MR. FERRELL: Yes.
16 MS. PAWLOWSKI: Motion passes six
17 to zero.
18 CHAIRMAN IBE: Congratulations.
19 MS. ZAID: Thank you all very
20 much.
21 CHAIRMAN IBE: That will bring us
22 to our final case for today. Case No.
23 PZ-12-0051, 25875 Novi Road, Panera Bread.
24 I see that our good friend is an
25 attorney, he need not be sworn.

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1 MR. QUINN: Good evening,
2 everyone. Matthew Quinn appearing on behalf
3 of both the owners of City Center Plaza and
4 Panera Bread.
5 It's Happy New Year to you, first
6 time of the year, I look forward to being here
7 many more times here this year, I hope.
8 This is the last step in a
9 process that City Center and Panera started
10 with the city over a year ago.
11 Originally drive-thrus were not
12 allowed in the Town Center district. And
13 Panera came to City Center Plaza and said,

14 our lease is up, our new format is to have
15 drive-thrus, with the new Paneras, and we
16 would like you, City Center, to approach the
17 city to see if we could amend the ordinance
18 allow drive-thrus, and if not, we will
19 probably have to go to another location.

20 The City Center, through my
21 offices, came to the city and started the
22 process, and the city ended up amending the
23 ordinance to allow drive-thru restaurants in
24 the Town Center district, but with very
25 specific limitations, and I think those

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1 limitations are good.

2 They basically -- the drive-thru
3 restaurant, like Panera, cannot have a
4 similar drive-thru or a competing business
5 with a drive-thru within a certain number of
6 linear feet down the roadways or within the
7 same system.

8 So you're not going to have a
9 plethora of drive-thru restaurants in the
10 Town Center district because it's still
11 primarily a pedestrian-orientated district.

12 We have bene through the process
13 after the ordinance was changed. We applied
14 for the special land use that was required by
15 the ordinance, we've received approvals, a
16 recommendation by the planning commission,
17 approval by the city council, subject to the
18 variances that we are asking for this

19 evening.

20 Also the site plan was
21 recommended by the planning commission and
22 again approved by the city council, again,
23 subject to the two variances that we are
24 looking for.

25 Tonight, I have with me,

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1 Mike Califan (phonetic) from Panera Bread,
2 and Pat Keast, the engineer, who can assist
3 with any of the questions concerning the
4 plans, if necessary.

5 Now, we are here requesting two
6 variances.

7 Number one is a greenbelt
8 variance along Novi Road, where the parking
9 will be expanded. It requires 20 feet and we
10 are providing 10 feet.

11 I will point that out on the map
12 here shortly.

13 The second variance that we are
14 requesting deals with the bypass lane for the
15 drive-thru.

16 The ordinance requires that
17 whenever you have a drive-thru, the stacking
18 lane has to have a parallel 18-foot wide
19 bypass lane.

20 Now, let me move over here and I
21 will do some demonstrating on the site.

22 All right, to get orientated,
23 Novi Road is at the top here, the bridge

24 would be at this -- I'm sorry -- the bridge
25 going south would be this area (indicating).

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1 This is Flint Street coming along behind the
2 area of the City Center Plaza that contains
3 Panera Bread.

4 This green shaded area is our
5 greenbelt.

6 The problem with the 10-foot
7 variance that we are requesting is that
8 Oakland County, who has jurisdiction over
9 Novi Road, when they built the bridge,
10 widened their right-of-way and took
11 additional right-of-way from the property.
12 Had they not done that, we wouldn't be here
13 asking for this 10-foot variance for our
14 parking because we would have the 10-foot
15 that previously existed.

16 But even with that 10-foot
17 variance, we still have plenty of green space
18 that will exist, and it will look the same
19 pretty much as it does today.

20 In fact, the other portions of
21 City Center Plaza only has a 3-foot greenbelt
22 between the parking and the road.

23 So the area where Panera is still
24 has plenty of green and will not really be
25 effected whatsoever.

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1 The second variance, of course,

2 130108.txt
is for the stacking lane.

3 Now, the drive-thru is going to
4 be at the south end of Panera, as you can
5 see, from your site plans that you have in
6 front of you.

7 The cars will come in off of the
8 Flint Street driveway, get into the chain and
9 drive through all the way up to the front to
10 the drive-thru.

11 Now, the main purpose of having
12 the bypass lane is for vehicles in the
13 drive-thru, so that they have the ability to
14 get out if they don't want to complete the
15 entire drive-thru.

16 Well, just by happenstance,
17 what's happened here is that as you get into
18 the drive-thru, we already have a wide drive
19 area before you get to the actual building
20 that would allow the cars to escape.

21 So you only have a very few cars
22 that would be stacked up in the drive-thru,
23 and they wouldn't be able to get out until
24 they get there.

25 Now, why can't we put the bypass

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1 lane in? Deals with the site. We have a
2 narrow site at this end. We have Novi Road
3 that's been expanded by the right-of-way for
4 Oakland County, and we have a natural feature
5 which lies right behind, which is the Rouge
6 River.

130108.txt

7 Now, if that wasn't there
8 adjacent to our site, we could, of course,
9 move things through.
10 So this is site specific for this
11 particular purpose, and that is why this site
12 can't be adjusted to build that drive-thru.
13 Now, the city staff planning
14 department is supporting in writing the
15 greenbelt variance of 10 feet. We have
16 received no negative comments from the fire
17 department whatsoever in any packet stating
18 that they have any adverse comments on not
19 having the bypass lane.
20 So those are the two variances we
21 are looking for.
22 And by allowing these two
23 variances to go through, this year plus
24 effort on behalf of Panera and City Center
25 will come to fruition.

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1 They will begin to start
2 construction, they're going to sign a new 10
3 year lease when this is approved, and we will
4 all benefit by being able to get our
5 sandwiches and our coffee very quickly on our
6 way to work, other than you are retired and
7 probably welcome the wait.
8 That's the purpose and reasoning
9 behind the two variances. I will be more
10 than happy to answer any questions, or as I
11 said, to have the owner's representative or

12 the shopping center's engineer respond.

13 CHAIRMAN IBE: Thank you,

14 Mr. Quinn, as always.

15 Is there anybody in the audience
16 who would like to make a comment regarding
17 this particular case?

18 (No audible responses.)

19 CHAIRMAN IBE: Seeing none, I
20 will ask our secretary to read into the
21 record any correspondence received.

22 MS. KRIEGER: For Case No.
23 PZ-12-0051, 41 were mailed, nine returned,
24 zero approvals, zero objections.

25 MR. GHANNAM: Thank you, Madam

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1 Secretary.

2 I will now turn to the city for
3 any further comments, if any.

4 MS. SAARELA: I don't have any.

5 MR. BOULARD: I have nothing to
6 add. I'd be happy to standby for questions.

7 CHAIRMAN IBE: Very well,

8 Mr. Boulard.

9 I will now open it up to the
10 board for discussion.

11 Yes, Member Gedeon.

12 MR. GEDEON: Question regarding
13 the site plan. There is a couple of areas
14 marked -- one is referred to as the new
15 preview board and the other as the new menu
16 board.

17 And I'm curious specifically
18 where in the ordering lane or stacking lane
19 that the vehicles would place their order?
20 How deep are you in, you know, if you change
21 your mind.

22 MR. QUINN: Patrick Keast, I
23 guess, will have to be sworn in.

24 MR. KEAST: Patrick Keast,
25 K-e-a-s-t.

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1 MS. KRIEGER: In Case No.
2 PZ-12-0051, do you swear to tell the truth?

3 MR. KEAST: Yes.

4 MS. KRIEGER: Thank you.

5 MR. KEAST: To answer your
6 question, on the site plan, the menu board,
7 the preview board -- your question is how
8 many cars deep are you into the --

9 MR. GEDEON: Well, right. I'm
10 concerned with the bypass lane is that if you
11 change your mind, you know, you have a way of
12 getting out, but presumably, somebody
13 wouldn't change their mind after they placed
14 their order.

15 So I'm wondering, you know, how
16 far along would the cars be before they
17 actually placed their order in this lane?

18 MR. KEAST: Well, they would
19 be -- once they place their order, there is
20 about two cars that they would have to wait
21 before they have a way to get out.

22 If they made their order, they
23 decided to leave, they could still do that,
24 and go park and go inside, or if they -- or I
25 guess they could just leave without paying,

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1 or without getting their order.

2 MR. GEDEON: So specifically,
3 though, the box labeled new menu board, is
4 that where cars are placing their order?

5 MR. KEAST: Yes, that's right.

6 MR. GEDEON: Thank you. I guess
7 my other -- no, that's all for now. Thank
8 you.

9 CHAIRMAN IBE: That you, Member
10 Gedeon.

11 Yes, Member Skelcy?

12 MS. SKELCY: On the drawing that
13 you have, is the -- are the cars to scale; in
14 other words, I see that there is one, two,
15 three, four, five cars before you get to the
16 new menu board, then by the time you get to
17 the window, you have got a stack of ten cars
18 in there. Is that accurate?

19 MR. KEAST: Yes. Actually this
20 was reviewed by the city's traffic engineer
21 and our own traffic engineer. These cars are
22 shown, are more typical size cars, but they
23 had us do an analysis that included an ASHTO
24 (phonetic), vehicle, basically the largest
25 type of vehicle, and to determine how many

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1 vehicles could be stacked and also with the
2 turning radiuses here and exiting, turning
3 left or right, and also the entering, turning
4 radiuses of those vehicles. Which as you can
5 see, there is a gap between these vehicles,
6 and when they did the analysis, that gap was
7 a little smaller and the cars were a little
8 bit bigger.

9 But the amount and the number of
10 cars is the same.

11 MS. SKELCY: You know, Mr. Quinn,
12 I have been to that facility many times.
13 That parking lot though is always packed.
14 Has that been addressed at all? I mean, that
15 is a very popular location.

16 MR. QUINN: Oh, absolutely, yes.
17 That was the point of the special land use
18 proceedings in front of the planning
19 commission and the city council.

20 There was discussion regarding
21 pedestrians from those parked cars crossing
22 and going into the building. That was
23 satisfied to the agreement of city council
24 and planning commissioners.

25 So, yes, their concerns were your

1 concerns. They have approved that. The
2 parking in this area is, as you see, moved
3 forward a little bit into the greenbelt area,
4 that's the reason for it.

5 Will there be some congestion,
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6 yes, there will be some congestion.

7 But with the drive-thru and the
8 way the vehicles are going in and out, it's
9 designed as best can be for this particular
10 site.

11 Is it perfect, no. Is it good,
12 yes. Is it going to be safe for pedestrians,
13 yes.

14 MS. SKELCY: Thank you.

15 CHAIRMAN IBE: Mr. Boulard?

16 MR. BOULARD: If I can just make
17 a couple of points, Mr. Chairman.

18 There is a requirement in the
19 section of the zoning ordinance that applies
20 to drive-thrus, that specifically requires
21 sufficient stacking to keep those cars from
22 blocking the parking lot.

23 So that's one of the reasons that
24 they have provided as much stacking as they
25 have, so that the cars that are in the

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1 drive-thru lane don't block the parking lot,
2 and be that -- the other thing is, in terms
3 of the time that a customer is in the parking
4 lot, if they go to park and then go inside
5 the store and wait in line, come back out as
6 opposed to the time that's in the -- that
7 they're in drive-thru line, the intent is
8 they would actually speed that up, and they
9 will be able to hopefully alleviate some of the
10 congestion while still serving more

11 customers, right, because that's what all
12 businesses want, so -- thank you.

13 CHAIRMAN IBE: Thank you,
14 Mr. Boulard.

15 Yes, Mr. Ghannam?

16 MR. GHANNAM: Just a couple
17 questions.

18 First, when the cars exit from
19 the stacking lane, pick up their orders and
20 so forth, their natural exit would be to the
21 left, correct, where that -- to Novi Road?
22 That would be the only way they could exit
23 this parking lot, am I right?

24 MR. KEAST: No, they could go
25 left or to the right. If they went to the

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1 right, they to go Flint Street --

2 MR. GHANNAM: Back to Flint
3 Street.

4 MR. KEAST: And Novi Road.

5 MR. GHANNAM: So someone can
6 enter this stacking lane either from the
7 parking lot or from Flint Street?

8 MR. KEAST: That's correct.

9 MR. GHANNAM: I follow you now.
10 I assume there is no way to reroute them,
11 middle Rouge River to exit -- I'm just
12 kidding.

13 I think, you certainly all did a
14 nice job and a very nice presentation by your
15 attorney. I would be in support of it.

16 CHAIRMAN IBE: Yes, Member
17 Krieger?

18 MS. KRIEGER: On the building
19 itself, like at other drive-thrus, they pay
20 first, then go up the next window to get
21 their order, so that provides maybe some more
22 room for getting people through?

23 MR. KEAST: On this particular
24 one, it's just one window where you pay and
25 also get your meal.

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1 MS. KRIEGER: Also because it's
2 so popular and it's good revenue for the city
3 and good for Panera and the center, I'm also
4 in agreement with it.

5 But going up and down Flint
6 Street, I got my truck all dirty, I find it a
7 shame that you're paying so much money on a
8 house on a lake, and then you have got the
9 river that where somebody could sit have a
10 chair, that there is no way to access that in
11 the future somehow, but that remains to be
12 seen. Thank you.

13 CHAIRMAN IBE: Thank you, Member
14 Krieger.

15 It appears that everyone has made
16 a comment.

17 Do we have any additional
18 comments?

19 Yes, Member Ferrell?

20 MR. FERRELL: I got one for the
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21 city. In the pass lane, there was no issues
22 with fire safety, not being able to get
23 out --

24 MR. BOULARD: No. Certainly
25 people can get out of the vehicles, the fire

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1 department did not have any concerns.

2 And the stacking is separated,
3 for the most part, away from the building.

4 CHAIRMAN IBE: Thank you.

5 I will entertain a motion if any
6 member would be willing to take that on.

7 MR. GHANNAM: I will give it a
8 try.

9 CHAIRMAN IBE: Go ahead.

10 MR. GHANNAM: I move in item
11 number four, which is Case No. 12-0051, for
12 25875 Novi Road, Panera Road, that we approve
13 the petition as requested.

14 Taking into consideration of the
15 site, the proposed use, there certainly will
16 be no detrimental impact on existing
17 thoroughfares.

18 The proposed site will not cause
19 any detrimental impact on the capabilities of
20 public service, facilities, including water,
21 sanitary and so forth.

22 The proposed use is compatible
23 with the natural features and characteristics
24 of the land. The proposed site is compatible
25 with adjacent uses of land in terms of

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1 location, size, character, et cetera.

2 The proposed use is consistent
3 with the goals, objectives and
4 recommendations of the city's master plan and
5 land use, and the proposed use will promote
6 the use of land in a socially and
7 economically desirable manner.

8 The proposed use is listed among
9 the provisions -- provision of uses requiring
10 special land use review, as set forth in the
11 various zoning districts and is in harmony
12 with the proposed purposes and conforms to
13 the applicable site design regulations of the
14 zoning district in which it's located.

15 MS. SKELCY: Second.

16 MS. SAARELA: Actually, the
17 standards we should be looking at that are
18 usual non-use variance standards that we look
19 at. That was for the planning commission.

20 MR. GHANNAM: Why didn't you tell
21 me -- interrupted me.

22 MS. SAARELA: It's basically the
23 same, the need is not self-created, strict
24 compliance would cause unnecessary hardship,
25 those standards listed.

1 MR. GHANNAM: I gotcha. Want me
2 to read them all?

3 MS. SAARELA: You should go

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through those.

MR. GHANNAM: Then I will amend my motion to include that there are unique circumstances or physical conditions of the property, such as narrowness, shallowness, shape, water, topography or similar physical conditions.

The need for the variance is not due to the applicant's personal or economic difficulty. The need is not self-created. Strict compliance with regulations governing area setback, frontage, height and so forth will unreasonably prevent the property owner from using the property for a permitted purpose.

The requested variance is the minimum variance requested to do substantial justice and will not cause an adverse impact on surrounding property values.

Is that it?

MS. SAARELA: Yes. You might just mention some of the facts that you

mentioned as far as the unique characteristics of the property, including the 10 feet taken by the Road Commission, the location, that type of thing.

MR. GHANNAM: It is true. Of course, it is based on the applicant's presentation.

And what did convince me partly

9 is what they were mentioning about the
10 Oakland County Road Commission recently,
11 actually, just condemning some of the land in
12 front of it, necessitating the variance, as
13 well as the unique nature of this particular
14 parcel, because it is narrowly shaped and
15 unusually shaped and it's not typical.

16 MS. SKELCY: Second.

17 CHAIRMAN IBE: Seeing a motion
18 has been made and seconded, Recording
19 Secretary, please call the roll.

20 MS. PAWLOWSKI: Member Gedeon?

21 MR. GEDEON: Yes.

22 MS. PAWLOWSKI: Member Ghannam?

23 MR. GHANNAM: Yes.

24 MS. PAWLOWSKI: Chairman Ibe?

25 CHAIRMAN IBE: Yes.

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1 MS. PAWLOWSKI: Member Krieger?

2 MS. KRIEGER: Yes.

3 MS. PAWLOWSKI: Member Skelcy?

4 MS. SKELCY: Yes.

5 MS. PAWLOWSKI: Member Ferrell?

6 MR. FERRELL: Yes.

7 MS. PAWLOWSKI: Motion passes six
8 to zero.

9 MR. QUINN: Thank you all. Have
10 a good evening. See you at Panera.

11 CHAIRMAN IBE: Well, that
12 concludes the cases before the board this
13 evening.

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14 Do we have any other matters we
15 need to take up at this time?

16 MR. BOULARD: If I might, just
17 wanted to remind folks, you should have
18 gotten an email about the joint planning
19 commission ZBA training that we have got
20 scheduled for February 5th in the second
21 floor of the library.

22 We will have sandwiches and a we
23 will get more information about that. I want
24 to make sure that you've got that on your
25 calendar and thank you for those of you who

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1 responded already. Thank you.

2 CHAIRMAN IBE: Thank you.

3 Any additional business?

4 (No audible responses.)

5 CHAIRMAN IBE: In the absence of
6 that, I will entertain a motion for us to
7 adjourn.

8 MR. GHANNAM: So moved.

9 MS. SKELCY: Second.

10 CHAIRMAN IBE: Seeing that motion
11 has been made and seconded, all in favor say
12 aye.

13 THE BOARD: Aye.

14 CHAIRMAN IBE: All opposed?

15 (No audible responses.)

16 CHAIRMAN IBE: Seeing none, the
17 meeting is adjourned.

18 (The meeting was adjourned at 8:05 p.m.)

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