Proceedings taken in the matter of the ZONING BOARD OF APPEALS, at City of Novi, 45175 West Ten Mile Road, Novi, Michigan, on Tuesday, January 13, 2015

BOARD MEMBERS
- Brent Ferrell, Chairperson
- Cindy Gronachan, Secretary
- Linda Krieger
- Rickie Ibe
- Matthew Mosteiko

ALSO PRESENT: Charles Boulard, Building Official
- Beth Saarela, City Attorney

Coordinator: Angela Pawlowski, Recording Secretary

REPORTED BY: Jennifer L. Wall, Certified Shorthand Reporter

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Novi, Michigan.
Tuesday, January 12, 2015
7:00 p.m.

** ** **

CHAIRPERSON FERRELL: Welcome to the January 12, 2015 regular meeting of the City of Novi ZBA.
Will you please rise for the Pledge of Allegiance.
(Pledge recited.)

CHAIRPERSON FERRELL: Ms. Pawlowski, can you call the roll, please.

MS. PAWLOWSKI: Member Gronachan?
MS. GRONACHAN: Yes.
MS. PAWLOWSKI: Member Ibe?
MR. IBE: Present.
MS. PAWLOWSKI: Member Krieger?
MS. KRIEGER: Here.
MS. PAWLOWSKI: Member Sanghvi is absent, excused.
Member Mosteiko?
MR. MOSTEIKO: Here.
MS. PAWLOWSKI: Chairperson Ferrell?

CHAIRPERSON FERRELL: Here.
Next I just want to advise everybody this is a public hearing. The format and rules of conduct are in the back of the room, if anybody would like to get a copy of those. Now onto approval of the agenda. Is there any additions or subtractions?

MS. PAWLOWSKI: No.
CHAIRPERSON FERRELL: Nothing added or changed on the agenda?
MS. PAWLOWSKI: No.
CHAIRPERSON FERRELL: So I hear a motion?

MS. GRONACHAN: So moved.
MR. IBE: Second.
CHAIRPERSON FERRELL: A motion and a second. All in favor say aye.
THE BOARD: Aye.
CHAIRPERSON FERRELL: Any opposed?
(No audible responses.)
CHAIRPERSON FERRELL: Seeing none, we have an agenda.

Now onto the minutes.
Approval of the November 18th, 2014 minutes.
Any changes or additions to that?

MS. GRONACHAN: I move to approve.

MR. IBE: Second.

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

THE BOARD: Aye.

CHAIRPERSON FERRELL: Any opposed?

(No audible responses.)

CHAIRPERSON FERRELL: Seeing none, we have approval of the minutes.

Public remarks, so everybody knows, you will be called up to the podium, when your case is called, just come on up, raise your right hand if you are not an attorney and be sworn in by the secretary.

I ask also that everybody has cellphones, turn them off the silence them now, please.

Moving onto Case No. PZ 14-0052, Pinnacle Homes, 27661 Estrada Lane.

We will move onto the next case.

Onto Case No. PZ14-0058, 30001 Cabot Drive.

MS. GRONACHAN: Raise your right hand. Are you both testifying this evening?

MR. DROLSHAGEN: Yes.

MS. GRONACHAN: Do you swear or affirm to tell the truth in the matter before you?

MR. DROLSHAGEN: I do.

MR. LIMING: I do.

MS. GRONACHAN: Would you please state your names and spell them for the secretary.

CHAIRPERSON FERRELL: It's Joe Drolshagen, D-r-o-l-s-h-a-g-e-n, Northern Equities Group.

MR. LIMING: Brian Liming, L-i-m-i-n-g, Faudie Architecture.

MR. DROLSHAGEN: Thank you very much. We are here to present an application for a requested variance for our Harmon Becker Automotive headquarters and research facility that's going up at Thirteen Mile and M5. It's under construction right now.

We are requesting the addition of this guardhouse that would be on the east side of the facility along Cabot Drive.
It's an 188,000 square foot office research building. I believe there is going to be about 700 employees, located at this facility. Harmon has made a request to add an elevated measure of security for the facility. There are a number of concerns that Harmon has.

Number one, employee safety. Not that Novi has a high crime rate, but they want to insure that employees, especially when there is that many, in this size of lot, 16.5 acres have that increased level.

Number two, there is also some concerns about competitors in the area, perhaps getting in and out of the facility.

So to have this outpost has a very visible security measure that they think will help with this particular facility.

The unique part about this is this is a very large facility. Harmon right now has about 135,000 square feet in the three buildings in Novi and they are increasing it to 188.

So it's a very visible facility, very headline grabbing facility, and this particular out parcel is on the parcel, it's at the entrance, it's 450 square feet and we are asking approval to put that there.

It will be similar, but not quite as high intense of security as the ITC building guardhouse that is currently at Twelve Mile Road at the ITC facility.

CHAIRPERSON FERRELL: Is that it?

MR. DROLSHAGEN: Open for questions.

CHAIRPERSON FERRELL: Anybody in the audience have any questions or comments pertaining to this case?

(No audible responses.)

CHAIRPERSON FERRELL: Seeing nothing, anything from the city?

MR. BOULARD: Not a lot -- not a lot to add, except that being that this facility is -- faces M5, faces Thirteen Mile and faces Cabot, this is probably the least obtrusive place to provide the security. But it is a unique situation. And obviously being a research and development facility, there are some security concerns, so -- and the fact that the location and the number of people and work that goes on there, I think
makes this pretty unique. So I would support the variance.

CHAIRPERSON FERRELL: Thank you.

Any correspondence?

MS. GRONACHAN: Mr. Chair, there were four letters mailed, one return mail, no approvals, no objections.

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

MS. KRIEGER: I have a question. Just to clarify, the guardhouse was going to be on Thirteen Mile or Cabot Drive?

MR. LIMING: That would be on Cabot Drive.

MS. KRIEGER: So there would be no question about easements for the roads.

MR. LIMING: No.

MS. KRIEGER: Then considering I've seen guardhouses for checking in visitors and employees, so I agree with what I have seen so far.

I have no other questions right now. Thank you.

MR. MOSTEIKO: Just some of the logistics, are architectural questions here. There is a restroom planned to be in there, as far as plumbing and sewage, is that going to be any issue with the location being so far removed from the main building?

MR. LIMING: No, it's planned to have a unisex one in the room, a drinking fountain.

MR. DROLSHAGEN: Full sewer, full water.

MR. MOSTEIKO: Secondly, on the illustration here, there is not really a gate, you know, to stop a vehicle if they were -- you know, rushing down the driveway. Is that going to be something planned or is that just --

MR. DROLSHAGEN: I don't think they have planned that elevated level of security at this point in time. It's more of a visible presence there versus the stopping and starting of cars going in and out, as far as I can see.

MR. MOSTEIKO: That's all the questions I have.

CHAIRPERSON FERRELL: Anybody else?

MR. IBE: I have a question. In
light of Member Matt's comment, you really
call this a guardhouse? This is more like a
visitor center because a guardhouse is
something that actually protects. This
doesn't look like it protects anything. It's
wide open. I can walk around it. I can bike
around it. I can drive around it.

I mean, you are not going to
have someone standing in front of the road
saying, hey, stop when you pull up or
something.

Is this really a guardhouse
is it more for visitor receptionist center
when you first walk in, they can tell you
where to go around the place? Because it
doesn't look like a guardhouse to me.

MR. DROLSHAGEN: I completely
agree with the sentiment that it doesn't look
like a guardhouse.

They were trying to try to
scale down that angle of this.

They will have a complete
visitors center within the facility itself.
This is more for -- if we were to go all out
and put a gate up there and have the stop and
start that ITC had, I think that would be
overkill at this point. I don't think we
will be going to ZBA for that type of
facility in the future.

MR. IBE: Very well. Thank you.

MS. GRONACHAN: I concur with the
previous member's questions. I don't see the
purpose of it then if it's really not going
to control the flux of cars coming in. If
the concern and the purpose of the building
is for security, and the security -- it
doesn't look like it's security, and there is
not going to be a -- practice security level,
I guess is what I'm saying.

So I'm confused as to why the
building at all then.

MR. DROLSHAGEN: I'm not sure if
they're going to have some kind of pass on
the car where they will let folks in, and
then stop anybody who doesn't have a pass.
I'm not with Harmon. I apologize. So I'm
not sure what their intention is in that
regard. I'm sure they will have something
along those lines, but there is not going to
be a gate.

MS. GRONACHAN: So can I either
ask one of you to address -- or answer the
question of security practices for the
company or what they intend --

MR. MOSTEIKO: Will there be an
armed guard or a man with a radio or what
type of elevation would be --

MR. LIMING: I can't really speak
on how much. I mean, there is a lot of card
access once you get to the building you're
limited, once you're in the lobby to have to
card access to get to the different areas.
I don't think -- there is not
a guard or armed guard though on staff. But
they do have security officers or security
personnel, I should say.

MR. DROLSHAGEN: Their
procedures, if you want to see a copy of
those, we can ask Harmon for them and get you
a copy.

MS. GRONACHAN: My concern as a
member is that we are asking for a variance
for a building that I'm not sure what it is
going to be used for.
It's identified as security,
and my background, oddly enough, is security
and protection specialist and I didn't -- I
wasn't clear as to what this was going to
offer for this business.
And that's why the questions
and the -- it's not clear to me what steps
they are going to take. And if we grant this
variance, and these comments I am making for
the record, if we grant this variance, are
there going to be additional variances
requested later on down the road for a change
in this building, based on the level of
security.

And I would be more
comfortable if I knew that up front in making
my decision. That's all I have.

CHAIRPERSON FERRELL: Yes?

MR. BOULARD: I'm not sure if I
can -- if I can shed any light on that.
My understanding of the
intention here is to provide a presence
there, where folks that might otherwise be
tempted to kind of, you know, come in and
sneak around or visit uninvited would have
one more to think about. And you know,
it's -- I don't picture armed guards, but I
picture someone who is -- who is there, who
is observing things, who is aware of what's
going on, and provide a distance for folks to
enter, and if someone does enter, who can
then martial the appropriate response.

So I think it's a disincentive for folks to come in, at least
that's my understanding of the intention.

MS. GRONACHAN: Thank you. So far as you know, there is going to be
somebody in the building most of the time.

MR. BOULARD: Yes.

MS. GRONACHAN: To do some sort
of direction. It's not just going to be a
building empty and used maybe two hours a day

or something like that?

MR. BOULARD: No.

MS. GRONACHAN: I would like that on the record. Okay, thank you.

MR. IBE: One more, Mr. Chair. I understand -- I have
reviewed the plan review report.

You know, when I get presented with something and it tells me that it is a guardhouse, I'm not an English language specialist, but I do know what a guardhouse means. I have seen one. I know what it looks like.

This obviously is serving the purpose, that's what it says. But everything around it doesn't tell me it's a guardhouse. Part of the requirements that we are to consider in approving this is whether or not something is self-created, you know, if it is self-created.

Now, this here looks to me to be more esthetic view than is put in there. It makes it looks nice when you drive up there. That's just what it is to me, it's not a guardhouse. I'm having a problem understanding why you're going to have the guardhouse without any meaningful way of securing the place, if security is a concern, which is what I heard you say, security, because of the location and competitors, all of that.

It's just -- I can just drive through. I mean, somebody is not going to stand there and say, hey, stop. If there was something that goes up and goes down and someone is there, then it qualifies as a guardhouse. A guardhouse is where someone mounts, sits in there, lets you in, and lets you out. That's what a guardhouse is.
A building that sits by itself, stationary in the middle of the two lanes -- of a two lane road, someone sits in the room, you call that a guardhouse, I'm thinking that that is really stretching it in terms of if that's what the guardhouse is.

Now, if this is a guardhouse, then perhaps what I see at the ITC, it must be a penthouse.

I am not feeling very comfortable, just by the plan report that this house, this particular building here is not self-created. I think it's a self-created issue, and I'm not really feeling comfortable approving it, as much as I want to because of the way you presented it. You present it as guardhouse to me. If you present it as a visitor welcome center, I can understand that. That's what it looks like to me.

Then perhaps, yes, I understand that, I will vote for it, if that's what you call it.

But you call it a guardhouse, it's not one. I just don't buy it. Thank you.

MR. MOSTEIKO: I'm going to play a little bit of defense on their part, and based off of what Charles said earlier, if you have a motivated enough criminal, they're going to do whatever it takes to get to what they want to do.

I think just by having a presence there, it will dissuade people from, you know, loitering or violating the law to some extent.

I work in government, secure buildings and there is no guardhouse, there is nothing to stop somebody from walking up to the front door. When you do get these visitors that we would may have otherwise have had, if we had some sort of, you know, earlier measure as far as just somebody there saying, hey, can I help you, what do you need, are you a visitor.

So I still think that it would help as far as security.

CHAIRPERSON FERRELL: Entertain a motion?

MS. KRIEGER: Would you like to table it and then see if somebody from Harmon would like to put their knowledge of this
towards this as well?

MR. DROLSHAGEN: If the general consensus in front of us is that it would be denied otherwise, I think I would prefer that.

Again, I'm not fully aware of all of their -- I came -- Brian Hughes is the person who is in charge of this particular project. I came out of the back gate. I'm covering unfortunately poorly for Brian tonight. So I think that if we table it, and come back -- when is the next meeting, Charles?

MR. BOULARD: Second Tuesday of February. I don't have an exact date, but yes.

MR. DROLSHAGEN: The one thing I'm concerned about is that in order to construct this, we are putting in sewer facilities currently, so it may be too late to put in those facilities if we don't get approval.

So, you know, we are not spending that kind of money to have a building that's just there for looks. It's there for Harmon and for their security purposes and checking people going in and out.

MS. KRIEGER: I guess also I can understand it, my father worked for General Motors in the Warren tech center, and they did have a little guard center. But they did have the arm that went up and down. They didn't have the facility including a bathroom because you could see all the way around with all the glass.

So I guess that's the only thing I question is that like ITC -- or even going to work myself, if we go in a certain parking lot, there is an arm that you can do badge entry, or if there is someone sitting there saying, okay, who are you looking for, where are you going.

MR. DROLSHAGEN: If I'm not mistaken, that would entail a whole different set of variances, traffic reports and -- the traffic flow in and out of this parking lot.

MR. BOULARD: I guess I'm not sure if it's a matter of, you know, definitions. I agree that typically guardhouses, you know, there is various levels of guardhouses from gates that come
down overhead, to, you know, the guardhouse outside of Cedar Point, or something like that in their parking.

I'm not sure if -- I guess I want to take a step back and say, a company that's coming here and has a facility wants to have what they're calling a guardhouse on the front.

I'm sure that if you're a visitor and you pull up, it will in some -- just like anyplace with security, if you pull up, you're a visitor, and you say, I'm here to see so-and-so, they would probably guide you to where you're supposed to go.

I think the important thing is, you know, is this -- this business is -- they have decided that it's important enough to them and critical enough to their mission to spend a fair amount of money to run utilities to this, to have people there 24 hours a day.

I think they feel that it's very important that there is a presence.

This is clearly -- this is before you because it's in the front yard. There is three front yards to this property. This is -- I think being on Cabot as opposed to M5 or Thirteen Mile, this is the spot. If you're going to have something in the front yard and it seems to me that in the scheme of things, and the property being as unique enough in terms of the use, the size, the scope, and what goes on there, to warrant it, whether it's a guardhouse, per se, whether in some sense it's used as a visitor center thing. That's just my two cents worth.

CHAIRPERSON FERRELL: Thank you.

MS. GRONACHAN: I have a question for Mr. Boulard. Thank you for that clarification.

Basically, that's really what I was looking for and you answered the question. That it will be 24 hour security?

MR. DROLSHAGEN: Yes.

MS. GRONACHAN: I am 90 percent in favor. I just want to make sure that we have it duly noted as to what the building is for, how it's going to be used, and if you choose not to have a gate there, I get that.

But I'm just trying to cover all bases here. So you have my support. I'm not going to make you go back to the drawing
light of the fact you won't be able to put in the sewer system if we don't get this approved tonight, then I think we should go ahead with any motion that you have.

CHAIRPERSON FERRELL: My question I guess is for the city. So if the proposal is a security building, say some day they say, well, we don't want this as a security building anymore, they want to use it as, you know, selling fast food out of it.

MR. BOULARD: That would be a change of use that not would be consistent with the site plan.

CHAIRPERSON FERRELL: What would they have to do with the building, either just stop using it for that purpose or the building, have it deconstructed? How does that work?

MR. BOULARD: The building, just like any other building, if they moved out, they wouldn't need to maintain it, if they no longer occupied it.

But this is -- there is a site plan that's moving through that deals with this and some other issues, additional parking, I believe. And this is a part of that, the zoning ordinance doesn't allow accessory buildings in the front yard, whatever we call this, if it's an accessory building in the front yard. But that's why it's here. And your approval would be required for the site plan to go forward. However, the site plan is going to say, yes, this is a building, this is basically what it's for, it's not fast food, it's not Starbucks. You know, none of that. Besides the fact that if they had what was Starbucks (unintelligible).

CHAIRPERSON FERRELL: Okay. Thank you. Any other questions or discussion?

MS. KRIEGER: Yes. Is there going to be a camera there as well?

MR. DROLSHAGEN: Harmon has elevated levels of surveillance, there will be cameras everywhere around that facility.

MS. KRIEGER: Because I drove by and I saw the foundation work. It looks like
they're putting an extensive amount of material into it, so the extent of their electronics, I guess is what I was wondering.  
MR. DROLSHAGEN: Yes.  
MS. KRIEGER: That's it. Thanks.  
CHAIRPERSON FERRELL: Motion?  
MS. GRONACHAN: I can make that motion.  

In Case No. PZ14-0058, I move that the request for a variance for the 450 square foot guardhouse located at Cabot Drive entrance, front yard, for security reasons be approved.  
The guardhouse is a stand-alone building, and as presented by the petitioner, serves for this overall planned building and the business of Harmon. There are unique circumstances and physical conditions of the property, such as topography and 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 as stated in the testimony by the petitioner.  
Strict compliance with regulation governing area, setback, frontage, height, bulk, density, and other dimensions, requirements will unreasonably prevent the property owner from using the property for a permitted purpose and will render conformity with those regulations.  
The restricted variance is the minimum variance necessary to do substantial justice, as stated again in the testimony given by the petitioner as well as to the other property owners in 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, will not be adversely affected. That's all I have.  
MR. MOSTEIKO: Second.  
CHAIRPERSON FERRELL: A motion and a second, any further discussion?  
(No audible responses.)  
CHAIRPERSON FERRELL: Seeing none, Ms. Pawlowski, can you call roll, please.  
MS. PAWLOWSKI: Member Gronachan?  
MS. GRONACHAN: Yes.
MS. PAWLOWSKI: Member Ibe?
MR. IBE: No.
MS. PAWLOWSKI: Member Krieger?
MS. KRIEGER: Yes.
MS. PAWLOWSKI: Member Mosteiko?
MR. MOSTEIKO: Yes.
MS. PAWLOWSKI: Chairperson Ferrell?
CHAIRPERSON FERRELL: Yes.
MS. PAWLOWSKI: Motion passes four to one.
MR. DROLSHAGEN: Thank you all.
CHAIRPERSON FERRELL: Moving onto Case No. 14-0059, Lots 14 and 70, parcel 50-22-20-200-002.

Please raise your right hand and be sworn in by the secretary. Please state and spell your name for the reporter.

MR. SEIBER: My name is Cliff Seiber, S-e-i-b-e-r.
MS. GRONACHAN: Mr. Seiber, do you swear or affirm to tell the truth in the matter before you?
MR. SEIBER: I do.

MS. GRONACHAN: Thank you.
MR. SEIBER: I'm here before you representing Singh Development. Back in November we received an approval for the Overland site condominium project on Eleven Mile Road, that approved 70 site condominium units.

Included in that were two lots that required an addition or an increase in front yard setback in order to meet the width requirement.

Under this option, the preservation option, the width required for those lots is 71.4 feet. If you have that -- one of those sketches in front of you, I'm looking at lot 14, and you can see if we increase the front yard setback from 30 feet to 52.62 feet, we achieve the 72.52 feet of width for that unit.

And as I indicated, the minimum width for this project is 71.4 feet. So therefore, I'm asking for unit, 14 that the front yard setback be increased from the 30 feet to the 52.62 feet.

And the reason for that is if we were unable to acquire a variance for
that, for increasing that front yard setback
it would push the lot farther, I guess, to
the east and require -- result in some
additional wetland fill.

So we would either go back to
the planning commission and ask for a
variance to allow wetland on a lot, which the
ordinance does not permit wetlands on lots,
so we would need a variance for that. Or we
would go back and simply ask for a little bit
of wetland fill, which would be several
hundred feet, square feet of wetland fill.

In the case of lot 70, it's a
similar situation. We achieve -- at the
increase front yard setback we achieve the
lot width requirement of 72 feet, and in
order to achieve that, we are required to
provide a front yard setback of 70.18 feet as
opposed to the minimum under the ordinance of
30 feet.

And as you can see, right
adjacent to lot 70 is the Novi line drain and
if we increased that -- the width of the lot
along the road right-of-way, it would push
that into that Novi line drain.

So that's the hardship that
that circumstance presents.

So in both cases we are
asking for an in the front yard setback.

CHAIRPERSON FERRELL: Thank you.

Anybody in the audience have any questions or
comments pertaining to this case?

(No audible responses.)

CHAIRPERSON FERRELL: Seeing
none, anything from the city?

MR. BOULARD: Nothing to add.

CHAIRPERSON FERRELL: Any
correspondence?

MS. GRONACHAN: There were 12
letters mailed, one objection. The objection
is from Greg Gallo, 48000 Eleven Mile.
Unclear as to the location and nature of this
proposal. Is this to be a housing project?
That's all for correspondence.

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

MR. MOSTEIKO: I'm just noticing
that some of the wetlands on some of the
plots here, as far as them being so close to
the property line, how much of an issue as
far as being near a flood plane or any of
those type of issues. How much of an issue
is that as far as construction goes, with it
being so close to the wetland line?

MR. SEIBER: There is really no
issue with construction with that being --
the wetland being right on the lot line in
some cases. It's just that we have to be a
little more careful about sloping, you know,
if there is a -- depending what the grade
situation looks like, maybe we will need a
retaining wall or a steeper slope coming up
from the edge of the property line up to the
house.

So we will have to take care
as far as grading treatment how that is
handled, so as not to encroach into the
wetland.

CHAIRPERSON FERRELL: Anybody
else?

MS. KRIEGER: They will have sump
pumps?

MR. SEIBER: Yes, all houses will
have a sump pump. There are storm sewers
provided to receive the flow from the sump
pumps.

MR. MOSTEIKO: Is there any
other -- like similar placements of this Novi
line drain, as far as, you know, we get six
inches of rain in a 24 hour period, what type
of flooding concerns will that create, you
know, historically along that drain line?

MR. SEIBER: Actually there is an
established 100 year flood plane. We are
staying out of that. Actually there is a
phase, the second phase of the Overland
project does have -- it doesn't involve these
two lots, but it does involve some flood
plane fill. And we will be required, in
order to achieve -- require our final site
plan approval, we will need to submit to the
Michigan Department of Environmental Quality
for that flood plane fill and also have a
geotechnical study, hydraulic study done to
make sure there is no impact to basements
with the -- related to the flood plane fill.

MR. MOSTEIKO: Okay.

CHAIRPERSON FERRELL: Anybody
else?

MS. GRONACHAN: Mr. Chair, I
noticed in the planning review that it's
stated that this petitioner is going to be
proposing woodland replacement, tree
plantings offsite at the northwest corner of
Eight Mile and Garfield Road.
I just want it on the record, although I have no financial interest or financial gain from this, I did work on the Garfield Road mitigation wetland project for 11 years. And I just want it on the record. I have no gain or other interest in this case.

CHAIRPERSON FERRELL: Question for the city. Is this something that she should not vote on?
MS. SAARELA: We don't see any conflict.
CHAIRPERSON FERRELL: Thank you.
MS. GRONACHAN: Thank you.
CHAIRPERSON FERRELL: Any other questions?
MS. GRONACHAN: I have a question for the petitioner.
On these two -- are these the only two sites that you had everything else pretty much fit into what was required?
MR. SEIBER: Yes, everything -- all the other lots had the 72 feet minimum width and met the minimum area requirement. As these lots will, if we receive increase the setback.
MS. GRONACHAN: Yes, thank you.
So it is the minimum requirement that you're asking for, this is a minimum variance?
MR. SEIBER: Yes.
MS. GRONACHAN: There are other things that you guys could have done, but didn't, is my point.
MR. SEIBER: That is correct.
MS. GRONACHAN: You went very -- you scaled it down quite a bit. We appreciate that.
MR. SEIBER: Yes.
MS. GRONACHAN: Thank you. I don't have any other questions.
CHAIRPERSON FERRELL: Anybody else? Ready for a motion.
MS. KRIEGER: Question. I'm sorry. Back on the ordinance requirements, there is two highlighted areas. And do we have to put it in our approval or -- that the applicant shall provide a conservation easement this area as well as other qualifying permanent open space for the final site plan submittal?
MS. SAARELA: No, that would be
handled at the planning commission level.

It's not really your concern.

MS. KRIEGER: Thank you.

MR. IBE: Mr. Chair, I will go ahead.

Thank you, Mr. Chair. In Case No. PZ14-0059, I move that we grant the applicant's request as requested for the following reasons.

One, there are unique circumstances or physical conditions of the property itself, such as narrowness, shallowness and topography and physical conditions that warrants this variance. And that not granting the variance will make it bothersome to accomplish the goal of the applicant.

Second, the need is not self-created, as has been stated already by the applicant's representative, the physical condition of the land itself, it's such that only two of the parcels are really what is at issue here.

They have gone to great length to mitigate what it can do to comply with what is required under the ordinance, and this is best and the only remedy that can allow them to move forward.

Furthermore, the requested variance is the minimum variance that is necessary to do substantial justice to the applicant as well as allow them to accomplish the goal that has been set out here.

And lastly, the requested variance will not cause an adverse impact on surrounding properties. In fact, developing this particular place will enhance that corridor there of Eleven Mile and Wixom area, considering the fact that there really is not much going on in that area right now.

So this will help to enhance the property values in the area, and based on all of this, and based on the presentation made by the applicant, as well as the comments that has been suggested by the members, I move that we grant the request.

MR. MOSTEIKO: Second.

CHAIRPERSON FERRELL: Motion and a second. Any further discussion?

(No audible responses.)

CHAIRPERSON FERRELL: Ms. Pawlowski, can you call the roll, please.
MS. PAWLOWSKI: Member Gronachan?
MS. GRONACHAN: Yes.
MS. PAWLOWSKI: Member Ibe?
MR. IBE: Yes.
MS. PAWLOWSKI: Member Krieger?
MS. KRIEGER: Yes.
MS. PAWLOWSKI: Member Mosteiko?
MR. MOSTEIKO: Yes.
MS. PAWLOWSKI: Chairperson Ferrell?
CHAIRPERSON FERRELL: Yes.
MS. PAWLOWSKI: Motion passes five to zero.
MR. SEIBER: Thank you very much.
CHAIRPERSON FERRELL: Moving onto Case No. PZ14-0061, 22399 Bridle Run.

MS. GRONACHAN: Do you swear or affirm to tell the truth in the matter before you?
MR. WINDINGLAND: Yes, I do.
MS. GRONACHAN: Would you please state your name and spell it for the secretary.
MR. WINDINGLAND: I'm Greg Windingland, W-i-n-d-i-n-g-l-a-n-d. I'm with Cranbrook Custom Homes here representing the owners, Mr. and Mrs. DiPonio, who are also here in the audience. May I approach and pass something out? I have a handout.
CHAIRPERSON FERRELL: Yes.
MR. WINDINGLAND: Good evening. Sorry about the delay in that. We are requesting two variances tonight. One is for the required front yard setback, 45 feet is required. We are asking for a reduction to 30.5 feet. The other is from a combined sideyard setback where 50 feet is required. We are asking for a reduction of 1.42 feet. On the sideyard setback we do meet both the minimum side yards, which are 20. We just don't meet the combined overall, which is 50. We're looking to propose to build a home on the DiPonio's property, which is shown on the submittal on a plot plan. It may be easier to see on the handout that I provided.

And if I could, on the image to the left, where it shows with variance the residence location.

If you will see the unit to
the south is unit 90, to the north is unit 88. Obviously we're 89, we're showing where the two existing homes are, and we provided and extend dotted lines showing the 30.50 feet that we're requesting and how that would line up and maintain that uniformity along the front street.

If you also look at the back of the lot, you will see that more than 50 percent of the lot is encumbered by a combination of a tree preservation as well as a Woodland setback easement.

So even though it's over one acre in size, more than 50 percent of it is encumbered with tree conservation. Ironically if this was just 3 percent smaller, it would fall under an acre and it would not need any ordinances here tonight. So I hope that is something that you will consider, if you will see the size of the home that we are looking to construct, it is in keeping with the character of Mayberry Park, which is a very nice upscale community in the City of Novi.

We are looking to keep within that character. The DiPonios currently live in Livonia, they are very anxious about living in Novi. We would like to build this house for them. On the right side of the page, is the house without the variance. And you will see what the lineae that's proposed how close to the Woodland setback that we would get. There is probably a few trees that would need to come out to provide a little bit of screening prior to getting into any of the regulated setbacks. If we can obtain the variance, then we can preserve some additional trees that would probably otherwise be removed.

On the sideyard setback variance that we're requesting, again, we complied with the individual sideyard setbacks of 20 feet each. We do not comply with the overall, which is 50 feet, the combined and we're 1.42 feet short of that. Shifting the house laterally we could get 25.0 feet, but then it increases the other one, so either way we need the 1.42 variance. Again, with the depth of the lot, if you see the garage orientations, we were only able to accommodate a two-car side
entry garage. Again, that's because of the Woodland preservation.

So adding the third car garage on the side of it, is kind of what caused the house to be a little wider than we would otherwise have.

The second sheet that I handed out is just an excerpt from the Exhibit B documents, from the condominium documents. It shows -- again, it shows the conservation easement and the impact -- it shows the impact on the lot itself, as far as proportionately. Highlighted is the size of it, just over 44,000. Of course, if it was 43,560, it would be an acre. So we are very close to that.

And then the final page, the eight and a half by 11 is just a variance that was granted for the lot to the south of us, back in early 2013 for the front yard setback.

So with that, I would be prepared to answer any questions if I could.

CHAIRPERSON FERRELL: Anybody in the audience have any comments pertaining to this case?

(No audible responses.)

CHAIRPERSON FERRELL: Anything from the city?

MR. BOULARD: Nothing to add. I will standby for questions.

CHAIRPERSON FERRELL:

Correspondence?

MS. GRONACHAN: Mr. Chair, there were 18 letters mailed, three returned, one approval.

The approval is from Heather Schaefer, at 21416 Equestrian Trail. She just has it marked approved. No comments.

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

MR. IBE: Make a comment. I have looked at this particular request, and I must have to tell you, I have no absolutely problem with it at all, and you have done your homework pretty well. We approved something similar to this for this same subdivision in 2013. I remember that.

It's a very beautiful place to live. And I think the only way for the applicant, the DiPonios to be able to construct an impressionable home is for us to
grant this variance because there is just no other way unless they want to encroach upon the conservation, which, of course, would take away from the beauty of the place itself. So you have my vote.

MR. WINDINGLAND: Thank you.

MS. KRIEGER: I have a different kind of question. Are the DiPonios related to the people that donated to the DiPonio building at Madonna University in Livonia?

AUDIENCE MEMBER: Yes, that's my uncle.


That was it.

CHAIRPERSON FERRELL: Any other questions? Entertain a motion?

MR. IBE: I will take it. Mr. Chair, thank you so much.

In Case No. PZ14-0061, I move that we grant the request as requested by the applicant for the following reasons.

One, that there are unique circumstances or physical conditions of the property, such as narrowness, the shallowness, the shape, the topography and similar physical conditions. And that it's needed for a variance, and that without this variance, it would be difficult to have this construction that the applicant intends to do.

Second, the need is not self-created. The applicant's representative has clearly stated that the lot itself while it's quite large, however, 50 percent or more of it, it's engulfed with conservation trees and these are trees that obviously need to be preserved and for the beautification of the Mayberry subdivision itself as well as for those of us who live in the city who love to see beautiful environment.

So allowing the variance will give them the opportunity to enjoy and preserve the conservation as well as also have a decent home.

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

I must state that we have had similar situation come before the Zoning
Board in 2013 from this same subdivision. In fact, approved it, I think I remember that particular case, it had to do with a swimming pool. It was either you put it on the side or you put it in the back. I do recall saying that when you build a beautiful home, the last thing you want to do is put a pool by the side. It makes it look very ugly.

For the kind of home you want to build at Mayberry Park and for the price, I have friends there, I think a side swimming pool would not do the home any justice at all.

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

And allowing this particular applicant to build the way they have requested here, will enhance and maintain the property value in Mayberry subdivision, as well as the other subdivisions around it. And those -- and the neighbors are very glad that you are leaving things the way they are with the conservation of trees, rather than trying to tear them down to build a beautiful building.

As a result of the comments made by the applicant's representative, the documents that were submitted and what additionally was submitted today, move that we grant the request as requested.

MS. GRONACHAN: Second.

CHAIRPERSON FERRELL: Having a motion and a second, any further discussion? (No audible responses.)

CHAIRPERSON FERRELL: Ms. Pawlowski, can you call the roll, please.

MS. PAWLOWSKI: Member Gronachan?

MS. GRONACHAN: Yes.

MS. PAWLOWSKI: Member Ibe?

MR. IBE: Yes.

MS. PAWLOWSKI: Member Krieger?

CHAIRPERSON FERRELL: Yes.

MS. PAWLOWSKI: Member Mosteiko?

MR. MOSTEIKO: Yes.

MS. PAWLOWSKI: Chairperson Ferrell?

CHAIRPERSON FERRELL: Yes.

MS. PAWLOWSKI: Motion passes five to zero.
MR. WINDINGLAND: Thank you very much and goodnight.

MS. GRONACHAN: I hope you enjoy it out there. It is gorgeous. I spent a lot of years riding horses out there. Now you get to have a beautiful backyard.

CHAIRPERSON FERRELL: Moving onto Case No. PZ14-0062, 1705 East Lake Drive.

MS. GRONACHAN: Raise your right hand. Do you swear or affirm that the information that you are about to give in the matter before you is the truth?

MR. EHLERS: I do.

MS. GRONACHAN: Please state your name and spell it for our recording secretary.

MR. EHLERS: My name is Gary Ehlers. It's spelled E-h-l-e-r-s.

I am seeking to build a second floor addition over an existing first floor footing on a cottage that I have on East Lake Drive.

It's basically about the same size of the deck that you allowed me a variance to build last year on the front of the house. And we're building an addition in the back. Probably eventually used as a second bedroom.

And this is -- you know, it's going to have a new roof and new siding and everything with it, so I guess that's really all it is.

CHAIRPERSON FERRELL: All set?

MR. EHLERS: I am.

CHAIRPERSON FERRELL: Anybody in the audience have any questions or comments pertaining to this case?

(No audible responses.)

CHAIRPERSON FERRELL: Anything from the city?

MR. BOULARD: Mr. Chairman, this is a fairly typical situation where you have got a small lot up near the lake. This house is across from the lake, I believe.

I did have one question for the applicant, if you could.

The plan currently shows an existing shed, which is non-compliant in that it's fairly close to the existing building.

Is the intent to move that shed or right now we have got it advertised to include the variance for the shed to
remain there, if you didn't do it. But if you were planning on moving it 10 feet away, that variance would not be required.

MR. EHLERS: I wasn't planning on doing anything with the shed. It's been there and I was going to leave it there for now.

MR. BOULARD: Fair enough. I will be happy to stand by for any questions.

CHAIRPERSON FERRELL: Any correspondence?

MS. GRONACHAN: There were 32 letters mailed, two returned, one approval from an Elizabeth and Mark Adams at 1721 East Lake Street, without comments.

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

MR. MOSTEIKO: Is this your primary residence or like a vacation house?

MR. EHLERS: Well, it started out as a vacation home but now it's my primary residence. I had a larger house on Broadmoor Park that I would say all my kids are gone. We ended up selling it. We had -- we bought this maybe a year -- back in 2011 as a cottage. But now since our kids are grown up and we are kind of turned into a cottage, we kind of like this to maybe be our house until we decide what we want to do when we grow up.

Right now this is -- we are spending the money trying to make it look nice.

MR. MOSTEIKO: My other question is, the house was originally built for that certain amount of square footage, certain amount of support structurally. What type of diligence did you do as far as architectural design for, you know, the original building supporting and increased weight load, increased size of the addition that you propose?

MR. EHLERS: We had it checked by a licensed builder and submitted that. It's on a 12-inch by 42-inch foundation. The existing structure. And the architect that I hired that sent the plans in, I would guess that other than that, it's on an existing foundation just going up. I'll have to put a new roof on it obviously and I'll probably have to reside the whole cottage.

MR. MOSTEIKO: You say you're going to be doing this. Is this -- are you a
contractor -- are you a carpenter?

MR. EHLERS: No. The licensed builder that did my deck last fall, Lakeside Construction, would be the one that's going to be doing it. And I've got a mechanical contractor that is going to do the heating and air conditioning and plumbing. So I'm dealing with licensed people.

MR. MOSTEIKO: Okay.

CHAIRPERSON FERRELL: Anybody else or do I hear a motion?

MS. GRONACHAN: I will do the motion.

In Case No. PZ14-0062, at 1705 East Lake Drive, I move that we approve the requests that the petitioner has set forth before this board, based on the requests of the variances, regarding the four foot reduced aggregate sideyard setback of 12 feet and a reduced rear yard setback of 28 feet.

There are unique circumstances and physical conditions of this property, such as narrowness, shape, topography and similar conditions, and that the need for the variance is not due to the applicant's personal or economic difficulty. The need is not self-created, as the petitioner so stated. This is a permanent home now and he wants to improve his home and it will also increase the value and the looks of the home.

Strict compliance of regulatory governing areas, setback, frontage height, bulk, density or other dimensional requirements will unreasonably prevent the property owner from using this property and his permanent home, and will render conformity with those regulations unnecessarily burdensome because the lot size of this particular piece of property is not wide enough and has been non-compliant up in that area, so as previously stated.

The requested variance is the minimum variance necessary to do substantial justice to the applicant as well as to the 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 districts.
MR. IBE: Second.
CHAIRPERSON FERRELL: I have a motion and a second. Any further discussion?
(No audible responses.)
CHAIRPERSON FERRELL: Seeing none, Ms. Pawlowski, can you call the roll, please.
MS. PAWLOWSKI: Member Gronachan?
MS. GRONACHAN: Yes.
MS. PAWLOWSKI: Member Ibe?
MR. IBE: Yes.
MS. PAWLOWSKI: Member Krieger?
MS. KRIEGER: Yes.
MS. PAWLOWSKI: Member Mosteiko?
MR. MOSTEIKO: Yes.
MS. PAWLOWSKI: Chairperson Ferrell?
CHAIRPERSON FERRELL: Yes.
MS. PAWLOWSKI: Motion passes five to zero.

Result: Motion passes five to zero.

CHAIRPERSON FERRELL: Congratulations.
MR. EHLERS: Thank you.

CHAIRPERSON FERRELL: Recalling Case No. PZ14-0052, Pinnacle Homes, 27661 Estrada Lane.

MS. GRONACHAN: Do you swear or affirm to tell the truth in the matter before you?
MR. SANTOMAURO: I do. First name Todd, last name S-a-n-t-o-m-a-u-r-o.
CHAIRPERSON FERRELL: Go ahead.

MR. SANTOMAURO: First of all, I want to apologize for being a little bit late. I got tied up with a homeowner, so I apologize for keeping you guys here.

I do have some photos, should I put them on the --

CHAIRPERSON FERRELL: Yes, put them up there.

MR. SANTOMAURO: The last time we had come up, we didn't have any pictures to kind of show you. This time we have got a couple of pictures, I will leave that one up so you guys can take a look here.

But this awning, there was some concerns last time that it was just a --
kind of flat without any protection.
So this picture slightly shows, you can see it is covered, which helps with rain so forth, then the other picture I will show up shortly, once you guys are done with this one, will give a little bit better shot of the depth of it as well.
So in addition to protecting from the rain and snow and so forth and possible ice up top, so it doesn't hit customers, it does help us show customers where the model location is, so it doesn't just become a residential home. So we can do business out of this model.

CHAIRPERSON FERRELL: Is that it?
MR. SANTOMAURO: Yes. Would you like me to put the other photo up, too?
CHAIRPERSON FERRELL: Yes, if you got it, you might as well.
Anybody in the audience?
(No audible responses.)
CHAIRPERSON FERRELL: Seeing none, since there is nobody here.
Anything from the city?

MR. BOULARD: Nothing to add.
CHAIRPERSON FERRELL: Any correspondence?
MS. GRONACHAN: There were 19 letters mailed, 17 letters returned, no approvals, no objections.
CHAIRPERSON FERRELL: Open it up to the board for discussion.
MR. MOSTEIKO: Question. All right. Once all the homes are sold in the area, is this awning going to stay up?
MR. SANTOMAURO: Absolutely not. We will convert the garage back to normal per codes and we would remove that sign completely.
MR. MOSTEIKO: Perfect. Do you have an estimated timeline? I mean, I know you can't forecast how many sales you are going to get exactly, but just ballpark estimate how long would you say it would take to sell the entire subdivision?
MR. SANTOMAURO: That community we have been selling through pretty quickly fortunately. We have got another phase that's coming up there. I would estimate, roughly two years.
MR. MOSTEIKO: Just so we can say on the record, in your best estimate, in two
years all homes are sold, how long after that
two years would that awning sign be down?

MR. SANTOMAURO: This particular
model, once we were sold out, we wouldn't
have any use for the model anymore. So we
would immediately take that down and convert
that garage.

So it would be really upon
selling, probably not even the last home,
probably be the last -- down to the last ten
homes, so then we would pull that out
completely.

MR. MOSTEIKO: Perfect. What
percentage have you -- of the subdivision
have you sold already?

MR. SANTOMAURO: Right. I would
say roughly we're probably at about
60 percent.

MR. MOSTEIKO: I got it. Say one
final question. How do you suppose that
having a sign would affect sales if you're
already doing such a successful business?

You've sold 60 percent, you expect to sell
everything in two years. Tell me just in
your words why having this sign up would
boost sales significantly.

MR. SANTOMAURO: Well, the sign
has actually been up, you know, since it's
already installed.

So it would make it very --
if we took the sign down completely, it would
make it very difficult for customers to even
locate us, to even know where the model is.
Because normally we are right at the front,
like the very front. But this particular
community that we have, we are off to the
left side slightly, and without putting
anything up, I mean, it would really blend in
completely. It would be very difficult to
have customers find us.

MR. MOSTEIKO: Okay. So now I
have a question for the city.

They have already, you know,
gone outside of what the zoning has approved,
you know, they already have this awning sign
and we haven't approved this awning sign.
Like what is there -- is there any type of
repercussion, like oh, they did something.
They're asking approval as opposed -- you
know, after they have already put a sign up.

MR. BOULARD: In this situation,
I believe the reason that they are here is we
put them on notice that they did not have the appropriate approval. This is the remedy.

MR. MOSTEIKO: All right. That's all the questions I have. Thank you.

CHAIRPERSON FERRELL: How long has this sign been up?

MR. SANTOMAURO: It was up before I started with the company. I'm not certain exactly. I would say it's -- I would say roughly a year. I'm not exactly certain. I can find that out, but I would say it's been up for quite sometime. It's normally a sign we put in any of our communities. A lot of times it doesn't require permanence.

CHAIRPERSON FERRELL: It does not?

MR. SANTOMAURO: Yes, it does not. A lot of times with a lot of the communities, it does not.

CHAIRPERSON FERRELL: What city is that?

MR. SANTOMAURO: Canton, for instance, Northville as well. Commerce.

CHAIRPERSON FERRELL: As you know we are a little stricter in Novi.

MR. SANTOMAURO: Absolutely. We certainly want to abide by the --

CHAIRPERSON FERRELL: My comment is kind of like you guys have done this before. This isn't your first subdivision, so you guys should have known.

Especially with coming in the City of Novi, which I'm sure you guys have more properties in Novi than just this one, right?

MR. SANTOMAURO: We have another one that came after this one, but I don't know of this magnitude. We had a small cul-de-sac many years ago that didn't really require anything like this.

So if I'm not mistaken, I think this is our first significant project in Novi. It's similar as I mentioned, there was a sign at Liberty Park, for instance, which is in Novi, that Pulte had done. Very similar sign. As a matter of fact, the same thing, just with their logo on it.

CHAIRPERSON FERRELL: Difference with them, they may have applied for the permit to have the sign up for the variance, where you guys did not.
Mr. Santomauro: Okay.

Chairperson Ferrell: Okay. Any other discussion?

Mr. Ibe: Yes. Do you have any other sign that says model house or to let anyone know that this is a model house, other than the awning?

Mr. Santomauro: We have a very small sign in front. We are very limited because of the zoning ordinance. It's probably 12 inches by 10 or 12 inches. I mean, that we put in the front.

I mean, you can really hardly read it. Normally we would have a sign that would be, you know, four or five feet by four or five feet, that we put right in front of the model to draw attention to it.

But with this situation, we just weren't allowed to do that.

Mr. Ibe: The model house, is that a place where it's one of your staff, somebody is in that building, right? If I wanted to say, for example, (unintelligible) wants to buy a property in this community, they will come to the model house? Is that where they will come?

Mr. Santomauro: Yes, sir.

Mr. Ibe: That would be the place. So this model house has an address, I assume, right?

Mr. Santomauro: Yes, it does.

Mr. Ibe: So if I plug in two, three, four, five, six, seven eight it would take me there on my GPS, is that correct?

Mr. Santomauro: Not all the time, no. With new communities, many times, and we have actually had the issue with it, because it's a new community, sometimes GPS doesn't take you exactly there.

If I'm not mistaken in this community, we did have a problem with that.

Mr. Ibe: So the blue awning is what you need to attract attention to potential new homeowners. When you see the blue sign, that's the office?

Mr. Santomauro: Yes, it definitely helps, especially a lot of times, if they are just passing through, and we don't have the opportunity to have a conversation with them, if they're driving through there, they know where to go.

Also from the elements, it
does protect from rain. We thought it was
deinitely a lot more tasteful to do
something like this, as opposed to put a
billboard sign or something of that nature,
you know, a flat sign. At least we have
coverage for the customers, so it's serving a
dual purpose.

MR. IBE: Now, in the picture
that you present to us, that -- the documents
you submitted. There is a sign that is next
to the property. Do you know where that sign
is?

MR. SANTOMAURO: There is one
on -- that's on the property, which is the
smaller sign.

MR. IBE: Is that the one you
claim cannot be seen or read by anyone?

MR. SANTOMAURO: Yes. It's a
very small sign that's on that home site.

MR. IBE: You're telling me that
no one can read a sign that's on -- the sign
has your phone number and Pinnacle Homes on
it and has more information than what is on
the awning, isn't that correct?

MR. SANTOMAURO: They have to
take a look at that exact one. I was just
over there the other day, and roughly the
size of it, like I said, is about 12 by 12,
12 by 10, so it's not a normal situation
where you would have in a community to have a
sign that small.

I mean, I guess depends how
good your eyes are. But it's not something
that draws much attention to the model at
all.

MR. IBE: And do you have -- do
you have some residents that are already
residing in this subdivision now? I mean, is
it --

MR. SANTOMAURO: Yes, sir.

MR. IBE: Have you had any
complaints regarding the bright blue awning
that you have over the building by any of the
residents over there?

MR. SANTOMAURO: Not one. No.
As a matter of fact, we've never had a
complaint that I'm aware of with Pinnacle in
any awnings in any of our subs, and in the 15
years that I was at another builder.

MR. IBE: So are you -- is it
your contention that without this blue
awning, you're not able to do business or
sell any of the lots? Is that what you are trying to tell us?

MR. SANTOMAURO: It would definitely hinder us. There is no doubt about that. You know, I mean the alternative would be a flat large sign with our logo up there, but that doesn't serve as any protection. I don't think it looks as nice either. To answer your question that would definitely hinder us if we have customers driving around, they could get frustrated and just leave.

MR. IBE: But it would not prevent you from doing business, is that correct?

MR. SANTOMAURO: I mean, somebody is going to stumble across it. You know, but would it prevent us from selling a home, one home, no. But would it hinder us deeply, yes.

MR. IBE: I must tell you, sir, that I take a strict constructionist approach to some laws, and this is one of those that I like -- when it comes to a sign, I'm a strict constructionist when it comes to signs.

And what prevents Pulte Homes, or other people in the area that we want a pink awning on our building, this one wants a yellow awning. After all, one went to Pinnacle that's a light blue awning. Just by the fact that you have a sign that I think is quite visible to the naked eye and as to that house. You're telling me that without this blue awning that it will hinder you from doing business, I find that hard to believe.

And unless I hear anything other than -- otherwise from the members, I am not convinced at all. And I intend to maintain the strict aspect of the ordinance here, and understanding the law the way it stands right now, I think you are doing very well, for 60 percent so far, you don't need that blue awning. I think it's just -- a matter of what you guys are used to. But I don't think that's what you need to sell those properties. Thank you, Mr. Chair.

MS. KRIEGER: Question for the city. Mr. Boulard, do we have any other homes that are being developed that have awnings with the business signs on them?

MR. BOULARD: Unless there were ones that were approved very fairly recently
by this body, I'm not aware. There may be
some out there, but I'm not aware.

There may be some that have a
sign or have an awning without color on it,
or without a sign on it, but I'm not aware of
something similar to this. Unless it's on a
sales trailer.

MS. KRIEGER: Thank you.

CHAIRPERSON FERRELL: Anybody
else?

MS. GRONACHAN: Good evening.

It's me again. We didn't get along so well
the last time you were here. As a matter
fact, you wanted to table it for a full
board, if I remember correctly.

I am a long time resident in
Novi. I take a great deal of pride in this
city. And I say that because when you
presented your case two months ago, there
were some things in the testimony that you
stated.

But one of the things that
you didn't state is that this sign has been
up for a year. Had I known that the other
night, or two months ago, as the other board
members, would have heard, because some of
them aren't here tonight, we were ready to
vote that night, I would have really voted
that night.

To go ahead and come into a
city such as Novi and to operate breaking the
rules, and then coming in and asking for
forgiveness, I don't get it. But I'm not a
business, I'm a resident, and I try to follow
the rules.

I don't like fact that you
guys put this up a year before and then got
cought, then you're coming in here.

I don't appreciate the fact
that it is presented that Novi is a hard
city. We are not. We are a great city. And
we work well with our business partners and
we respect them. We respect Pinnacle and we
respect every other subdivision in this city
and we work very hard with them.

I will not be supporting your
request tonight for the reasons that I
stated, your previous testimony, and your --
and Pinnacle's opinion that they could come
in and break the rules, and then come in and
ask for forgiveness. We do whatever we can
to help and support these businesses. We
welcome them with open arms in the city,
especially with the difficult economic times
that Michigan has experienced, and that
they're coming back.

But given that on your
previous testimony and tonight, I will not be
supporting this. Thank you.

CHAIRPERSON FERRELL: Thank you.
I'd like to add that I echo the fellow board
care member as well in not supporting this
decision.

MR. SANTOMAURO: If I can say one
thing. If we knew we were in violation,
again, this is before I started with
Pinnacle, it was not something that we would
have done, if we knew we were in violation.
It wasn't anything to defy, as we seem to --
you know, to be stating. It's not anything
that was done intentional. We just weren't
aware. So if it's not going to go --
obviously, we are not going to be able to
keep it, we will obviously take it down and
we will put something that will conform up.

CHAIRPERSON FERRELL: Thank you.

MR. MOSTEIKO: One last comment I
think I have.
You have already kind of
maybe burned a bridge or two here from your
previous, you know, testimony.

But I think a better approach
to do it, to come across and get approval of
the ZBA would be, okay, two months ago, you
knew that you had to come through and get an
approval for a variance for an awning sign.

When you know you are in
violation of law, you stop violating the law.
I mean, this is a simple ordinance for a
sign.

But I don't know -- I don't
think it would be too difficult to just right
then and there take the sign down, take the
awning down and be like okay, ZBA board, I'd
like to tell you, you know, we are sorry we
did what we did. Now that we know we are in
violation, we took our sign down, but now,
you know, we would like to make amends, we
would like to get the proper approval.

It's not asking forgiveness,
then kind of boldly saying, our sign is still
up and it's been there for a year.

To maybe take, you know, a
more humble approach, like, I apologize, I
didn't realize, we were, you know, not within the ordinance, so we took measures to take it down now I'm asking for, you know, maybe an apologetic approval of this. So that's my two cents.

MR. SANTOMAURO: I understand.

CHAIRPERSON FERRELL: Any further discussion? Ready for a motion.

MR. IBE: I will do it.

Thank you, Mr. Chair. In Case No. PZ14-0052, Pinnacle Homes.

I move that we deny the variance as requested by the applicant. Because the applicant has not shown any practical difficulty that warrants favorable discretion by the board to grant it.

And I move that we deny it for the following specific reasons.

One, the circumstances and features of the property are not unique because they generally (unintelligible).

Now, this is a very reputable building, Pinnacle Homes, that has been in our city for a while now, and has put up this sign for more than a year prior to getting the violation, and comes before us and claims that the sign obviously is something that they have used in other communities without a problem.

But I think for a sophisticated building such as Pinnacle, I think they know what the rules are in the communities that they build in, and I find it very hard to believe that they did not know about the ordinance in the City of Novi when they put it up. That for me, is something that I think I found not to be credible.

Second, the circumstances or features of the property relating to the variance request are self-created.

Now, the applicant representative tells us that this Pinnacle sign allows them to sell properties. And that, in fact, they have sold about 60 percent of the lots in this subdivision.

The sign, the awning is not what is selling it. It's the fact that, one, it's a great neighborhood, the City of Novi, which we all love. Two, that they have great homes, Pinnacle builds beautiful homes. And they also have a sign. Pinnacle has a sign on this property. So there is multiple signs
on this particular property. The awning, as well as a sign that is for the (unintelligible).

The applicant's representative obviously claims that the sign is not visible. Well, I also find that hard to believe because you can clearly read what's on the sign. The sign has more letters, including the phone number, on that sign that tells a will-be resident what number to call, if their desire is showing of that model property.

Third, the failure to grant relief will result in mere convenience or inability to attain higher economic or financial return based on the petitioner's statements.

And four, the variance will result in interference with adjacent or surrounding properties.

Well, there are other builders in the City of Novi, and I'm quite sure that before they build they understand what the city requires, very simply, that we prohibit awnings in residential places. And that being known, if we were to grant this, and start a presence, this way we might go down an avenue that is not designed for the audience, in other words. Other builders will come in here and want a purple sign, a blue sign, a green sign, a neon sign. You know, once you go down that way, that road is difficult to reverse and we would like to be consistent and fair to all who appear before this board.

And finally, granting the variance will be inconsistent with the spirit and intent of the ordinance.

The ordinance is very clear. The language is not ambiguous. It is as simple, and if the applicant had consulted with the building department in the city, they would have known clearly well that Section 28-10 prohibits awnings and signs within our (unintelligible).

Unfortunately, based on this and based on the applicant's own statements, with prior visits to this board, and the documents submitted, the contributions made by fellow members today, I move that we deny the request.

MS. GRONACHAN: Second.
CHAIRPERSON FERRELL: A motion
and a second, any further discussion?
(No audible responses.)
CHAIRPERSON FERRELL: Seeing
none, Ms. Pawlowski, can you call the roll, please.

MS. PAWLOWSKI: Member Gronachan?
MS. GRONACHAN: Yes.
MS. PAWLOWSKI: Member Ibe?
MR. IBE: Yes.
MS. PAWLOWSKI: Member Krieger?
MS. KRIEGER: Yes.
MS. PAWLOWSKI: Member Mosteiko?
MR. MOSTEIKO: Yes.
MS. PAWLOWSKI: Chairperson Ferrell?
CHAIRPERSON FERRELL: Yes.
MS. PAWLOWSKI: Motion passes five to zero.
MR. IBE: Thank you. Sorry.
CHAIRPERSON FERRELL: Moving onto other matters. The city, yes?
MS. GRONACHAN: Happy New Year.
Welcome back. You did a great job.
I have a suggestion or maybe I have a request and maybe somebody can come up with a suggestion. Now that we are working with these Ipad's, and when we have a case that's become before us two months prior and now they are coming back, to have those minutes or that paperwork of the previous testimony in with the new packet.
Now, in most cases, since I have been back, it really hasn't been an issue, but like tonight, there was some things that were said in the previous testimony. And it's not that easy on the Ipad to go searching through back to two months ago for the testimony in the minutes.
Does somebody have some suggestions, or am I doing something wrong?
MS. KRIEGER: Wouldn't it have to be approved first, or we can just get it in the minutes?
MS. GRONACHAN: What would have to be approved?
MS. KRIEGER: We need to approve the minutes.
CHAIRPERSON FERRELL: At least we would have them, I guess, if they weren't approved. Just so we know what the comments would be.
MR. BOULARD: I think we would label it as draft.

MR. IBE: If it's not going to be unduly burdensome, I mean --

MS. GRONACHAN: I don't think it happens that often, it's just that when we have somebody up here -- especially if other people have missed the meeting. Even though when you read it, and when you are here and you are hearing it, it's different -- then trying to go back to capture what was said before.

I think it's important to have -- I don't know if we need the whole 120 pages. I mean, just what pertains to that.

MR. BOULARD: If I'm understanding, you don't want to have to look through the whole thing.

MS. GRONACHAN: Yes, I was like, wait a minute, I know I've got them somewhere.

MR. BOULARD: Assuming there may be the rare occurrence where, you know, meetings are closer together where we wouldn't have them back, but barring that, I think we could we do that.

MS. GRONACHAN: Thank you. I appreciate that.

CHAIRPERSON FERRELL: How about a cappuccino machine, can we get one of those, too?

MR. BOULARD: I'll be happy to ask for it in the budget.

CHAIRPERSON FERRELL: I would like to welcome Matt to the board.

MR. MOSTEIKO: Surprisingly I'm not nervous at all. I felt really comfortable.

I've read through other cases in the past. I have looked through the minutes online. And I find a lot of these cases just really interesting. I don't know if that makes me a nerd, but I just think it's interesting.

MS. GRONACHAN: You're in good company.

MR. MOSTEIKO: I don't want to call it skeptic, when somebody just gives me a story, I don't always take it as face value. I want to find out some more details. I think I asked some pretty good questions tonight, and definitely sparked up other
conversations. So I feel like I'm already contributing.

CHAIRPERSON FERRELL: Definitely welcome.

MS. GRONACHAN: You took the words out of my mouth. You get an A plus for tonight.

CHAIRPERSON FERRELL: Anything else?

MR. BOULARD: Couple things. One of the things that was added to the Dropbox, Ms. Pawlowski added, the City of Novi embarked quite a while ago on a project to reformat the zoning ordinance. And you should have a copy of that in the Dropbox waiting for you that you can download and have available.

It has links that allow you to jump to different parts of it, or lack of anything else, it has really nice colors and nice drawings that hopefully explain things, makes things really easy to understand for everyone.

We are hoping that it will make it much easier for resident users, everybody to understand.

So if you want to take a look at that in your spare time.

One of the other things, I haven't talked to the planning commission yet, but you should be hearing from us at some point in the fairly near future, we would like to put together a training session maybe some evening with dinner like we did last year at the library with --

MS. SAARELA: Maybe not a joint one this time, maybe more ZBA oriented, maybe a separate one.

MR. BOULARD: At this point we were thinking it would be joint because we wanted to have -- the goal would to be the city manager there, have some time with him. Do a very brief description of, you know, what the various duties are of the boards. Then have our consultant come in and walk you through how to use the ordinance so you could get the best and easiest use out of it.

It's tentative right now. That's a thought, but we will be -- our intent is to send something out.

MS. GRONACHAN: So two meetings
then, one for the just the ZBA then one for
the ZBA and the planning?
MR. BOULARD: We will talk about
that.
MS. GRONACHAN: You will miss us.
MR. BOULARD: Yes, we will miss
you.
MS. GRONACHAN: In our packet
there was a thing for a training session,
which I already seem to have lost, for
March 5th. But it doesn't have the time on
there. Am I missing something? Does anybody
by chance know? Am I missing something on
ZBA beyond the basics.
MS. KRIEGER: Kalamazoo?
MS. GRONACHAN: No, Lansing.
There is no time on it.
MS. KRIEGER: Is it an all day
thing?
MR. BOULARD: I believe it is. I
will find out. We will shoot out an email.
If you would like to go, you want to register
and you can you reimbursed or we can take
care of the registration and handle that. If
you give us the information.
Having taken a part in some
of these, they are really good.
MS. GRONACHAN: If you check on
the time, if you let me know what the date is
that we have -- it says on top, complete one
form per registrant, all rates include light
dinner. So if this is Lansing at 6:00 at
night.
MR. MOSTEIKO: It says 5:00 p.m.
to 8:00 p.m. on the front page.
MS. GRONACHAN: Okay.
CHAIRPERSON FERRELL: Any other
discussion?
(No audible responses.)
CHAIRPERSON FERRELL: Motion to
adjourn?
MR. IBE: So moved.
MS. GRONACHAN: Second.
CHAIRPERSON FERRELL: Motion and
second, all in favor say aye.
THE BOARD: Aye.
CHAIRPERSON FERRELL: Any
opposed?
(No audible responses.)
CHAIRPERSON FERRELL: We are
adjourned.
(The meeting was adjourned at 8:30 p.m.)
STATE OF MICHIGAN  
COUNTY OF OAKLAND  

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

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

IN WITNESS THEREOF, I have hereunto set my hand at the City of Walled Lake, County of Oakland, State of Michigan, this 30th day of January 2015.

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