REGULAR MEETING – ZONING BOARD OF APPEALS
CITY OF NOVI
March 15, 2016

Proceedings taken in the matter of the ZONING BOARD OF APPEALS, at City of Novi, 45175 West Ten Mile Road, Novi, Michigan, on Tuesday, March 15, 2016.

BOARD MEMBERS PRESENT
Cindy Gronchan, Chairperson
David Byrwa
Jonathan Montville
Mav Sanghm
Linda Krieger

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

REPORTED BY: Patricia J. Hankerd, CSR 5430
<table>
<thead>
<tr>
<th>CASE NUMBER</th>
<th>PAGE</th>
</tr>
</thead>
<tbody>
<tr>
<td>PZ-15-0045</td>
<td>6</td>
</tr>
<tr>
<td>PZ-16-0001</td>
<td>9</td>
</tr>
<tr>
<td>PZ-16-0002</td>
<td>18</td>
</tr>
<tr>
<td>PZ-16-0003</td>
<td>33</td>
</tr>
<tr>
<td>PZ-16-0004</td>
<td>33</td>
</tr>
<tr>
<td>PZ-16-0005</td>
<td>47</td>
</tr>
<tr>
<td>PZ-16-0006</td>
<td>79</td>
</tr>
<tr>
<td>PZ-16-0007</td>
<td>84</td>
</tr>
</tbody>
</table>
Novi, Michigan

Tuesday, March 15, 2016

7:00 p.m.

** ** **

CHAIRPERSON GRONACHAN: Good evening.

I would like to call the March 2016 Zoning Board of Appeals meeting to order. Would you please rise for the Pledge of Allegiance.

(Pledge of Allegiance recited.)

CHAIRPERSON GRONACHAN: Mr. Boulard, would you please call the roll?

MR. BOULARD: Certainly.

Member Montville?

MR. MONTVILLE: Here.

MR. BOULARD: Member Farrell? Absent, excused.

Member Sanghm?

MR. SANGHM: Here.

MR. BOULARD: Member Krieger?

MS. KRIEGER: Present.

MR. BOULARD: Member Richert? Absent, excused.

Member Byrwa?

MR. BYRWA: Here.

MR. BOULARD: Chairperson Gronachan?
CHAIRPERSON GRONACHAN: Present.

Thank you. This evening we have a very long agenda, and I'm going to ask everyone at this time to please turn off all pagers and cell phones; and also to let you know that because of the length of the cases that we have, I would like everyone to review the rules that were in the back of the auditorium.

Two things that I would like to point out -- and I'm just going to read this to make it official: The Zoning Board of Appeals is a hearing body empowered by the Novi City Charter to hear appeals seeking variances for the application of the Novi Zoning Ordinance. It takes a vote of at least four members to approve a variance request and a vote of the majority of the members present to deny a variance. The full board consists of six members.

Since we only have five member presents this evening, at least four votes are required. Those petitioners at this time who wish to have their cases tabled until the next meeting when a full board is present, will do so now. Is there anyone that is coming before the board with a case that would like to have their case postponed.
until or tabled until next month?

Seeing none, the other thing I would like to point out is that I know there is a lot of people that would like to express their views this evening, and I will let you know that there's a three-minute time limit for the residents. We want to hear everyone in a reasonable time period. So there will be three minutes for the residents and five minutes for the petitioner. Having said that, we'll go on to the agenda.

Are there any changes in the agenda this evening? Seeing none, all those in favor of tonight's agenda say aye.

CHAIRPERSON GRONACHAN: So approved.

We have the minutes from February 2016 meeting. Are there any changes?

I have a couple. On Page 3 -- I'm sorry, Page 30, Line 5, it's supposed to be vice-chair. Page 31, Line 10, the word board b-o-a-r-d instead of b-o-r-e-d. And then Page 33 -- sorry, I did not -- I got the line here. Line 21, instead of no, so moved.

Okay. With those changes, all those in favor of the minutes from February 2016 say aye.
COLLECTIVE BOARD: Aye.

CHAIRPERSON GRONACHAN: None opposed.

That brings us to our public remarks. At this time, if there's anyone in the audience that wishes to make remarks on other than what is before us tonight, you can do so now.

Is there anyone in the audience that has concerns or an opinion that they would like to present to the zoning board this evening?

(No audible response.)

CHAIRPERSON GRONACHAN: Seeing none, we will move right into our first case, Case PZ15-0045, Ryan Vojtkofsky. Is the petitioner here this evening? The petitioner is not present at this time.

Board, would we like to vote to table it until next month since we do not have a --

PUBLIC SPEAKER: Indiscernible a lot of opposition.

PUBLIC SPEAKER: We're here.

PUBLIC SPEAKER: We're the opposition.

CHAIRPERSON GRONACHAN: Okay.

MR. SANGHM: They're here.

MS. KRIEGER: Can we table it to the end of the meeting?
MR. SANGHM: They are here.

CHAIRPERSON GRONACHAN: Hang on.

So if the petitioner isn't here -- yes?

MS. SAARELA: You can move to deny it if you feel you don't have enough evidence to approve at this point.

CHAIRPERSON GRONACHAN: So let the residents come and speak?

MS. SAARELA: No. You can just move to deny it since the petitioner is not here.

CHAIRPERSON GRONACHAN: Okay.

MS. SAARELA: We're not going to have a public hearing on it without the petitioner. You can move to deny it if you don't feel you have enough evidence to make a decision. Otherwise, if you feel you have enough evidence -- which last time it's my understanding it got tabled just -- at the petitioner's request because there was not enough board members.

CHAIRPERSON GRONACHAN: Correct.

MS. SAARELA: If you feel you have enough information from the last meeting to make a decision, you can go ahead as a board with making a decision.

CHAIRPERSON GRONACHAN: Board members,
would someone like to make a motion?

MR. MONTVILLE: Madam chair, I can make a motion at this time on the case.

CHAIRPERSON GRONACHAN: Member Montville.

MR. MONTVILLE: If you can give me just a quick moment. In Case PZ15-0045, I move that we deny the variance request as requested by the petitioner. The request is not within the spirit of the ordinance. The request is not the minimum necessary for the applicant to have the proper use of his lot based on the way the ordinance is written. The fence that's currently there can be expanded; however, the variance would go beyond into to the point where he's requesting an additional variance where it's not necessary. The effect would have an adverse -- excuse me. The fence as requested would have a negative impact on the surrounding properties. And for those reasons, I move that we deny the variance as requested.

MR. BYRWA: Supported.

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

Seeing none, Mr. Boulard, would you
please call the roll?

MR. BOULARD: Member Krieger?

MS. KRIEGER: Yes.

MR. BOULARD: Member Sanghm?

MR. SANHGM: No.

MR. BOULARD: Member Byrwa?

MR. BYRWA: Yes.

MR. BOULARD: Member Montville?

MR. MONTVILLE: Yes.

MR. BOULARD: Chairperson Gronachan?

CHAIRPERSON GRONACHAN: Yes.

MR. BOULARD: Motion passes by five to one, motion to deny.

CHAIRPERSON GRONACHAN: So those here for Case Number PZ15-0045, the case has been denied at this time.

Okay. Let's move on to Case Number PZ16-0001, Mr. Szymanski at 2012 West Lake Drive is requesting variances from the City for construction of a second floor addition with reduced side yard setbacks, reduced aggregate setback, and reduced front setback for an existing resident construction under a previous variance good evening.

Would you --
MR. Szymanski: I'm Gary Szymanski.

Chairperson Gronachan: You are?

MR. Atto: My name is Richard Atto from Atto Construction.

Chairperson Gronachan: Gentlemen, I would like you to spell your names for our recording secretary, and then raise your right hand and be sworn in by our secretary.

MR. Szymanski: Gary Szymanski, G-a-r-y. Szymanski is S, as in Sam, Z as in zebra, y-m-a-n-s-k-i.

MR. Atto: And Richard Atto spelled A-t-t-o.

MR. Montville: Please raise your right hand.

Do you swear or affirm that the testimony you're about to give is the truth?

MR. Atto: I do.

MR. Szymanski: Yes.

MR. Montville: Thank you.

Chairperson Gronachan: Gentlemen, please proceed.

MR. Szymanski: Thank you. Well, the -- the home that we're speaking we actually were before you four years ago with the
construction of the home initially. Due to the narrowing -- the narrowness of the lots, the home was difficult to build without the variances without being extremely narrow. The board graciously agreed to those variances.

Initially, when we built the home, we were a little bit tight with budget, so we had decided not to extend the home over the top of the garage. The garage is an attached garage. But at this time we would like to extend the home over the garage to allow for a further area for meeting place for our family gatherings, holiday dinners, those sorts of things. I provided for the board pictures of the house at present.

CHAIRPERSON GRONACHAN: Do you have those with you, sir?

MR. SZYMANSKI: I put them on the flash drive. They didn't reach you?

CHAIRPERSON GRONACHAN: No. I was going ask to you to put them on our overhead so the people at home and in the audience can see it as well.

MR. SZYMANSKI: I have them on my phone, but I don't think that will help.

CHAIRPERSON GRONACHAN: That's not
going to help.

MR. SZYMANSKI: No, I'm sorry. I thought about that, but I didn't do that. I'm sorry. The addition maintains the same footprint that the board approved previously. It just extends upward to the same roofline as the rest of the house, the second floor. And it's very similar to the several other houses of that same design and construction in our area on that block. They all have the addition over the garage. So this would be something that's already well-accepted in the community.

I also provided a note -- a letter from our closest neighbor who would be most directly impacted by that, and you should have that letter with you saying she strongly supports our project, has actually helped with the planning of it. And she would like to help us with our construction, too. So she supports it all so -- as do all of our neighbors in the immediate area.

CHAIRPERSON GRONACHAN: Okay.

MR. ATTO: I just wanted to add that -- excuse me -- since you mentioned members, people in the audience and possibly people watching at home because when you read the request, it looks
like we're requesting for the whole world. But all these variances were approved several years ago, and the footprint is exactly the same. It's just a matter of extending 20 feet of second floor over the existing garage. So it just -- sometimes when you read it, it looks like there's more than there is. Thank you.

MR. SZYMANSKI: I also wanted to also mention that the addition is not on the lake side. The addition is on the street side. So it doesn't impair anybody's vision of the lake. So it's just expanding our roofline toward the street over the garage.

CHAIRPERSON GRONACHAN: Okay. Anything else, gentlemen?

MR. ATTO: That's it.

CHAIRPERSON GRONACHAN: Good presentation.

Is there anybody in the audience that wishes to comment on this case?

(No audible response.)

CHAIRPERSON GRONACHAN: Seeing none, building department, do you have anything to add?

MR. BOULARD: Nothing to add other than it is, indeed, the same footprint as originally
presented. A portion of the building was one story where the garage is. And that's what was presented to the board and approval was conditioned upon that request. So he needed to come back to increase that volume, and there is additional building that is going to be within those setbacks, but it's over the existing building. So other than that, I'll stand by for questions. Thank you.

CHAIRPERSON GRONACHAN: Thank you.

Mr. Secretary, is there any correspondence?

MR. MONTVILLE: Yes. There are 44 letters mailed, nine returned and four approvals.

First is from Carol Ames. Dear City of Novi Representatives: I'm a direct neighbor to the north of Sarah and Gary Szymanski at 2012 West Lake Drive, Novi, Michigan. The Szymanskis are proposing to add an addition on top of their attached garage for purposes of a family room. I have a similar addition above my garage, and I fully support the Szymanskis in being able to do the same.

The second approval letter returned is from Dan Henson at 1951 West Lake Drive. Gary and Sarah are great neighbors. Good luck and
congrats on the home addition. Third letter of approval came from Ronald Coon at 2018 West Lake Drive, neighbor directly next door to the south. And, again, he confirms his approval.

The fourth letter is from William Richard Curtis at 101 Penhill Street. If your setback are existing from the first permit, why would Novi building department make a rezoning. Existing building has setback. Somebody should look into this, with an approval noted.

CHAIRPERSON GRONACHAN: Okay. Thank you.

Board members?

Member Sanghm.

MR. SANGHM: Thank you, ma'am.

Again, I looked at your place, it looks pretty new. All you're trying to do is take the roof off the garage and extend it, right?

MR. SZYMANSKI: Correct.

MR. ATTO: Correct.

Mr. SANGHM: Nothing else is changing.

Thank you. I have no problem supporting your application.

MR. SZYMANSKI: Thank you.
MR. ATTO: Thank you.

CHAIRPERSON GRONACHAN: Anyone else?

I think it's a great idea, and I look forward to the invitation to the parties.

MR. Szymanski: Thank you. We'll send them out.

CHAIRPERSON GRONACHAN: I have no -- you know, the only thing I want to say in this area it's pretty consistent with the other houses. You fit right in there. And I commend you for not blocking anyone's view of the water. So I'm in full support and looking for a motion from my board members if there's no further discussion.

MR. SANGHM: No.

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

CHAIRPERSON GRONACHAN: Okay.

Member Montville.

MR. MONTVILLE: In Case PZ16-0001 sought by Gary and Sarah Szymanski at 2012 West Lake Drive, I move that we grant the variances as requested for the following reasons: The variance request is not self-created due to the nonconforming nature of the lot. The
existing footprint of the current building will remain the same, and they're requesting new variances. They are simply going vertically versus approaching the setbacks of the current lot. The structure will remain within the consistency of the aesthetics of the surrounding properties. So for those specific reasons, I move that we grant the variances as requested.

MS. KRIEGER: Support.

CHAIRPERSON GRONACHAN: It's been moved and seconded. Is there any further discussion? Seeing none, Mr. Boulard, would you please call the roll.

MR. BOULARD: Member Sanghm?

MR. SANGHM: Yes.

MR. BOULARD: Member Byrwa?

MR. BYRWA: Yes.

MR. BOULARD: Member Montville?

MR. MONTVILLE: Yes.

MR. BOULARD: Chairperson Gronachan?

CHAIRPERSON GRONACHAN: Yes.

MR. BOULARD: Member Krieger?

MS. KRIEGER: Yes.

MR. BOULARD: Motion is approved, passes five to zero.
CHAIRPERSON GRONACHAN: Thank you very much. Your variances have been granted. Congratulations, and I'm sure you'll be working with the building department. Thank you.

Okay. Moving right along, let's go to Case PZ-16-0002, 21660 Phillip Drive on Blaine Rudy, I'm sorry, is requesting a variance from the City of Novi to allow placement of an accessory structure adjacent to the home. Normal requirement is ten foot, and he has zero feet proposed. Is the petitioner here?

MR. RUDY: Yes, I am.

CHAIRPERSON GRONACHAN: Are you both going to be giving testimony this evening?

MR. RUDY: Probably just me.

CHAIRPERSON GRONACHAN: Would you please state your name for our recording secretary; spell it and then be sworn in.

MR. RUDY: It's Blaine Rudy, B-l-a-i-n-e. Rudy, R-u-d-y.

MR. MONTVILLE: Would you please raise your right hand?

Do you swear or affirm that the testimony you're about to give is the truth?

MR. RUDY: Yes, I do.
MR. MONTVILLE: Thank you.

CHAIRPERSON GRONACHAN: You may proceed.

MR. RUDY: Okay. We are requesting to have a variance to the normal ordinance to allow the shed to be placed directly behind the garage. In the master Indiscernible in the covenant restrictions for our association, a shed cannot be more than -- or it has to be more than 35 feet from the back property line. We back up to the woods. So there's no one directly behind us. It's more for in the middle of the subdivision where there's neighbors that are -- houses backed right up to each other so they don't put sheds right there.

For us that would put it right in the middle of our backyard. Moving it more than ten feet from the house, but also 35 from the back property line is right in the middle of the yard which would impede our neighbor's view and our view of the woods. So we're asking for a variance to put it right up against the back of the house. The back of the house behind the garage is an L-shape, so it's indented. So it's not really visible from anywhere else, and I've
included a drawing of the property.

CHAIRPERSON GRONACHAN: Would you like to please --

MR. RUDY: Yes.

CHAIR GRONACHAN: -- put it on the overhead?

MR. RUDY: The shed proposed would be right here at the back of the house.

CHAIRPERSON GRONACHAN: Okay. Anything else?

MR. RUDY: We -- in the process of researching it, we found that there's a number of other homes in the area that have sheds or accessory structures directly against their -- their house. And that's why we're asking for the -- this is not the best picture, but I included color photos with the packet I submitted.

CHAIRPERSON GRONACHAN: Okay.

Is there anyone in the audience that wishes to make comment in the matter of this case?

Please come on down. If you two would like, just so they can have the microphone that would be nice.
CHAIRPERSON GRONACHAN: I'm going to ask you to state your name, spell it, state your address.

MS. TUTTLE: Okay. I'm Kathryn Tuttle. I live at 21648 Phillip Drive. I'm directly to the south of the Rudys. And I want to say I support this very much because if they put it so many feet, it would block my family room. I would have just the shed to look at outside my family room. If they keep it towards the house, I still have a view of the woods. So I'm totally 100 percent -- 110 percent in favor.

CHAIRPERSON GRONACHAN: Okay.

MR. CAMERON: I'm Greg Cameron, 21636 Phillip, two doors down; and I am for this. It's a good thing to put it right up to where it's at.

CHAIRPERSON GRONACHAN: Okay. Thank you.

MR. CARLISLE: My name is John Carlisle. I live on the north side, 21672 Phillip Drive. I am also for it.

CHAIRPERSON GRONACHAN: All right. Thank you. Anyone else?

(No audible response.)
CHAIRPERSON GRONACHAN: Seeing none, building department.

MR. BOULARD: I would have happy to stand by for questions. Nothing else to add.

CHAIRPERSON GRONACHAN: Mr. Secretary, is there any correspondence?

MR. MONTVILLE: Yes. There were 31 letters mailed, two letters returned, two approvals.

The first comes from Mary and John Carlisle. To whom it may concern: We are current neighbors of the property owners at the subject location. We live adjacent to them to the north at 21672 Phillip Drive: The purpose of this letter is to advise that we have no concerns regarding the existing shed at the subject location. We encourage you to grant the variance requested. If additional confirmation of our opinion is required, please call us at (248) 449-9354. Thank you.

The second letter is from Kathryn and Dana Tuttle. This letter is to inform you we are very satisfied regarding the shed location at 21660 Phillip Drive, Novi, Michigan. I reside at 21648 Phillip Drive, which is the closest
neighbor to the shed location. I would not want it anywhere else. No other neighbor can see the shed unless they are in the Rudy's backyard or mine. I am strongly in favor of the variance.

CHAIRPERSON GRONACHAN: Okay. Thank you.

Board members?

Member Byrwa.

MR. BYRWA: I have a question for the building department. Being that there's not a minimum fire separation distance, is the petitioner aware that he may be having to fire rate the outside walls of the shed and pick up a fire rating on that?

MR. BOULARD: I have not discussed that with the petitioner. I guess the one question is if this would be -- normally the separation would be between the garage and the home; and since this is adjacent to the garage, would it be part and parcel with the garage. That's a question we have not broached at this point. That would be the only caveat that I would have. Obviously, part of the intent of the zoning ordinance is to have those accessory buildings separated in the event something were to occur.
In this particular case, I'm less worried about that because it's adjacent to the garage as opposed to the living part of the house where you wouldn't have a separation. There should be some kind of separation between the garage, but I think the point is -- the point is excellent that, you know, if the building was ten feet away and your lawn mower -- something happened with your lawn mower, the house would not be at risk. It's potentially more at risk here so. Thank you.

MR. BYRWA: Thank you.

CHAIRPERSON GRONACHAN: Member Sanghm.

MR. SANGHM: Thank you.

I came and visited your home Saturday I think it was, and you have woodlands right behind you, right?

MR. RUDY: Yes.

MR. SANGHM: And this shed is already there almost close to the back of the garage?

MR. RUDY: Correct.

MR. SANGHM: Is there a lot of distance between the garage and the shed? It is very almost --

MR. RUDY: Maybe about two feet or
so.

MR. SANGHM: Okay. Thank you.

CHAIRPERSON GRONACHAN: I have a question.

MR. RUDY: Yes?

CHAIRPERSON GRONACHAN: So is this -- the existing shed that's there is coming down, and you're replacing it with the pictures that you put in our packet? Is that what the plan is?

MR. RUDY: That's the exact same shed. It's not coming down. It would be moved. We would have concrete poured and sat right back on top of it. It was replacing an existing structure that was there in the first place that apparently was not -- I guess had never been applied a permit for.

CHAIRPERSON GRONACHAN: So for clarification purpose: There was a shed there. You tore it down and put up a new shed?

MR. RUDY: Yes. And was told there that, no, there was never any approval.

CHAIRPERSON GRONACHAN: Okay. And then in regards to your home owners association, I need clarification that if we approve that it's next to the house they're going to bypass the
35 -- they're going to support where we -- if we
grant this variance?

MR. RUDY: The only rule that the
association has is that it has to be 35 feet from
the back property line --

CHAIRPERSON GRONACHAN: Okay.

MR. RUDY: -- and then as long as the
City approves it. So if it's a foot, ten feet,
four inches, they don't care as long as it's 35
foot from the back line and the City approves
it.

CHAIRPERSON GRONACHAN: Could you put
the picture of your property back up again,
please? So can you give me an idea what 35 feet
would be from the back property line?

MR. RUDY: It's not perfect to scale.

CHAIRPERSON GRONACHAN: No, I
understand.

MR. RUDY: I believe 35 feet is right
about here, and it would be ten feet from the
back of the garage. But it has to be ten foot
from the corner right here, which would still put
it about here. So it would be right in the
middle of the yard, and our neighbors, it would
block their view from either side of the
CHAIRPERSON GRONACHAN: So is there any other place on the property where it wouldn't block the neighbors' view that it could go and still meet the requirements?

MR. RUDY: I don't believe that -- I mean, maybe in the middle right about here; but then it would be blocking our view of the property line.

CHAIRPERSON GRONACHAN: And what about further towards the other property line towards the -- I guess that would be to the north?

MR. RUDY: We already have a patio and a deck there.

GRONACHAN: Okay. I was at your house. I did not get out in the pouring rain and walk in the backyard, sorry. It's a beautiful neighborhood. And I will -- I'm going to wait to hear what my other board members have to say about this.

Board members?

Member Krieger.

MS. KRIEGER: It's ten feet from the other corner, and then it's at the end of the garage?
MR. RUDY: No. To meet the requirements of the 35 from the back property line but also is the City requirements --
MS. KRIEGER: Right. Right. Right.
MR. RUDY: -- it would have to be --
MS. KRIEGER: But I mean from that other corner.
MR. RUDY: It's about eight foot from the actual -- that's the edge of our laundry room.
MS. KRIEGER: I guess considering that it was there before, that neighbors don't have an issue with it, that for storage purposes since it's the garage -- was I right, the garage is at that side?
MR. RUDY: Yes.
MS. KRIEGER: -- then you got the firewall from the garage and -- well, two feet. You just need a lot of chipmunk killer in between, that I would be able to support it, you know.
CHAIRPERSON GRONACHAN: Okay. Thanks.
Member Montville.
MR. MONTVILLE: Did you go through the process at all with the neighborhood association
to go through some kind of variance request with them to get closer to the backyard instead of being in the middle that you have --

MR. RUDY: With it being the covenant, the restrictions, it would have to be two-thirds of all of the homeowners to approve changing that. And their fear is that if that changes, then everyone in the middle of the subdivision that backs up to each other would start requesting sheds then, too.

MR. MONTVILLE: Got you. Okay. Thank you.

MR. RUDY: Yeah.

CHAIRPERSON GRONACHAN: Member Byrwa.

MR. BYRWA: Yeah.

Are we talking about relocating an existing shed now also on this?

MR. RUDY: No. The exact -- the shed that's in place now. It's just when -- if we get approval, we would have concrete poured and set it on top of it.

MR. BYRWA: So when everything is said and done, you'll only have one shed?

MR. RUDY: Yes.

MR. BYRWA: Okay.
MR. RUDY: In the location that's proposed.

MR. BYRWA: Thank you.

CHAIRPERSON GRONACHAN: Any further discussion? Is there a motion?

MS. KRIEGER: In Case Number PZ-16-0002 for 21660 Phillip Drive, I move that we grant the petitioner's request. The petitioner has shown with the picture and with our discussion that the position of the structure is in the best position for the neighbors and for themselves; that it is unique for this subdivision. Their backyard goes up to the woodland area; and same reason, they did not create the condition. It was a precondition. The relief granted will not unreasonably interfere with the adjacent or surrounding neighbors because of their statements that they're in favor of it, and the lot line 35 feet from the home owners association request plus the City's, the relief is consistent the spirit and intent of the ordinance because of the structure being in the safest place possible.

MR. SANGHM: Support.

CHAIRPERSON GRONACHAN: I have a friendly amendment for further discussion.
MS. KRIEGER: Okay.

CHAIRPERSON GRONACHAN: Looking at this picture and knowing that he's going to have to move it anyways, I would suggest that he move it at least -- you said, it's two feet now, correct?

MR. RUDY: About two feet.

CHAIRPERSON GRONACHAN: I would suggest five feet from the building. If you look at the picture -- do you have this picture with you? So it's right under the gutter. If you want to put that on the --

MR. RUDY: Those are pictures of other sheds in the area.

CHAIRPERSON GRONACHAN: That's not your shed?

MR. RUDY: No.

CHAIRPERSON GRONACHAN: Well, that's what I'm trying to figure out here. Okay. I apologize. I got the wrong picture. Is it even with the garage now?

MR. RUDY: Yes.

CHAIRPERSON GRONACHAN: With the back of the garage?

MR. RUDY: Yes.

CHAIRPERSON GRONACHAN: Okay. Then
strike my --

MS. KRIEGER: Okay.

CHAIRPERSON GRONACHAN: Sorry. I was looking at the wrong -- my mistake.

Mr. Boulard, would you please call the roll?

MR. BOULARD: Member Byrwa?

MR. BYRWA: Yes.

MR. BOULARD: Member Montville?

MR. MONTVILLE: Yes.

MR. BOULARD: Chairperson Gronachan?

CHAIRPERSON GRONACHAN: Yes.

MR. BOULARD: Member Krieger?

MS. KRIEGER: Yes.

MR. BOULARD: Member Sanghm?

MR. SANGHM: Yes.

MR. BOULARD: Motion passes five to zero.

CHAIRPERSON GRONACHAN: Your motion -- your variance has been granted. Please work with the building department with the footings and that sort of thing. This time please pull a permit.

MR. RUDY: Thank you.

CHAIRPERSON GRONACHAN: Okay. Thank
you.

MR. BOULARD: If -- if --

CHAIRPERSON GRONACHAN: Yes.

MR. BOULARD: If I may, if it's under 200 square feet which this would be, a permit is not required. Please consult -- if you're going to put in footings, please go down 42 inches and make sure it grades away from the house.

MR. RUDY: It's 8x10, so it should be under that.

CHAIRPERSON GRONACHAN: Thank you.

MR. RUDY: Thank you.

CHAIRPERSON GRONACHAN: Okay. Moving right along to Case Number PZ-16-0003, the Michigan Beer Company. Is the petitioner here? Is the petitioner for Michigan Beer Company present?

(No audible response.)

MS. SAARELA: You can just pass on it and see if they show up later.

CHAIRPERSON GRONACHAN: Okay. We're going to hold off on Case Number 4, and move right to Case Number 5, Delphinus Medical Technologies, PZ-16-0004, 45525 Grand River Avenue. The petitioner is requesting to allow
installation of an additional sign in the form of
57 square foot wall sign on the building. There
are presently two existing ground signs at the
location.

Good evening ladies, would you please
state your names, spell them for our recording
secretary and then be sworn in.

MS. SIMPSON: My name is Terri Simpson,
T-e-r-r-i S-i-m-p-s-o-n.

MS. SAUNDERS: And I'm Debra Saunders.
Debra, D-e-b-r-a S-a-u-n-d-e-r-s; and I'm
vice-president of marketing and sales at
Delphinus.

MR. MONTVILLE: Could you both please
raise your right hands?

Do you swear or affirm that the
testimony you're about to give is the truth?

MS. SIMPSON: Yes.

MS. SAUNDERS: Yes.

MR. MONTVILLE: Thank you.

CHAIRPERSON GRONACHAN: You may
proceed.

MS. SIMPSON: Okay. I am with
Sightech, Incorporated; and I am assisting
Delphinus with a proposal for variance to section
28-5 of the ordinance. We're asking for a 56.49 square foot wall sign in addition to the existing ground sign. The sign that we are requesting is smaller than allowed for a wall sign in this district is which 65 square feet when there isn't a ground sign involved.

Our sign is appropriate to the size of the facade and the layout of the building that it's going on. It's not displeasing in any way to the building or the surrounding buildings or neighbors. We have personally visited all of the neighbors in the surrounding area with a photograph of the proposed sign on the building and basically a copy of the packet that we submitted. We have received in writing ten letters from the neighbors saying that they approve of our proposed sign plan.

We also feel that the placement of the wall sign in the front of the building is going to assist with the westbound traffic on Grand River having an easier time locating the building and where the actual entranceway is. When you're going to the west, if you get stopped or slowed anywhere in that -- before that intersection at Taft Road, you see the existing
ground sign which is for another company that has an entrance in the back of that building.

So we're hoping that with the addition to the wall sign, it will clarify that that is, in fact, also the Delphinus building and prevent people from either having to jet over into the left turn lane or go up and do U-turns and turn around and then enter from the west. So, again, we think it's going to improve the traffic flow and assist the people that are trying to find the building.

And I think that's it. We have photos of it. I don't know if you guys want to see them again. So, as I said before, it's a little over 56 square feet; but it is an individual channel letter sign. So as opposed to a big solid area type sign, each letter will be individual. So it's not massive and aesthetically on the wall. It's proportionate again to the facade of the building.

CHAIRPERSON GRONACHAN: Do you have anything else to offer?

MS. SAUNDERS: I would just like to say that we're very pleased moving into the Novi area. We've previously been in Plymouth. So
we're happy that we're coming into the Novi neighborhood.

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

(No audible response.)

CHAIRPERSON GRONACHAN: Seeing none, building department?

MR. BOULARD: Just wanted to say that it's great to have this business here in Novi. They're a huge addition to the community. And I think that with the potential congestion as Grand River carries more and more traffic and they're just after the light, I think that this is definitely worth consideration.

CHAIRPERSON GRONACHAN: Thank you.

Mr. Secretary, is there any correspondence?

MR. MONTVILLE: Yes, madam chair.

There were 27 letters mailed. One was returned. There were nine approvals.

The first was from Joe Benstein. I, Joe Benstein, of Mansfield Cabinet have seen and have no objections to the wall sign as proposed by Delphinus Medical Technologies at 45525 Grand River Avenue. Second letter is from
Justin Root. I, Justin Root of City Electric Supply have seen and have no objection to the wall sign as proposed by Delphinus Medical Technologies at 45525 Grand River Avenue. Third, I, Brian Adams, of Adams Sports Medicine have seen and have no objection to the wall sign as proposed by Delphinus Medical Technologies at 45525 Grand River Avenue.

Fourth, I, Robert Masser and Gary Smith, of Redford Lock have seen and have no objection to the wall sign and proposed by Delphinus Medical Technologies at 45525 Grand River Ave. I, Grace Moreland, of Fairlane Motel have seen and have no objection to the wall sign as proposed by Delphinus Medical Technologies at 45525 Grand River Ave. And then the remaining letters are from Kelly Hall, Steve Dehorn, Blair Bowman, Page R. Masella of Miracle Software Systems; and they all reflect the same content as the previous letters.

CHAIRPERSON GRONACHAN: Okay. Thank you.

MS. SAUNDERS: We do have one more letter that we received back after our package was submitted which is on the overhead now, and
that's from DeMaria Building which is directly
across the street from the location.

CHAIRPERSON GRONACHAN: Thank you very
much.

MS. SAUNDERS: Thank you.

CHAIRPERSON GRONACHAN: Board members?
Member Sanghm.

MR. SANGHM: Thank you.

I came and visited your place a couple
of days ago, and my simple question is: What
your hardship? Why do you need that sign over
there?

MS. SAUNDERS: Again, we looked at
primarily traffic coming from the east moving
west because of the long facade of the building
seeing clearly where the -- where Delphinus is
located, that that signage will help. So that
once you see the monument sign, you're really
past the -- or very close to passing the drive to
turn in. So that's why we're asking and
appealing for this variance.

MR. SANGHM: Thank you.

CHAIRPERSON GRONACHAN: For -- just for
the audience and because you're a new business to
Novi, can you tell us a little bit what Delphinus
is, please?

MS. SAUNDERS: Yeah. Certainly.

Delphinus is actually very much a Michigan company. Our technology is we're medical device, and we're actually a spin out of Karmano's Cancer Institute. And we are developing a new breast cancer detection system utilizing a very unique ultrasound system, and it's for -- specifically for women with dense breasts.

And we know that these women have difficulty with cancer detection in dense breasts because mammography may be deficient. So that's what we do. It's a new breast imaging ultrasound-based medical device. So we're really on the front edge of bringing new technology forward for women who need it most.

CHAIRPERSON GRONACHAN: Thank you.

Member Krieger.

MS. KRIEGER: The ground sign, is that for Delphinus as well; or is that a separate company?

MS. SIMPSON: There's actually two ground signs existing. There is one for Delphinus on the north side of the property just to the east of the drive in. Its pictured in
that packet, and we can throw it up on the
projector as well. It's in the neighborhood of
44 -- let me not guess at that for you.

MS. KRIEGER: So you're the one on
Grand River, and this other one is?

MS. SIMPSON: Yeah.

MS. KRIEGER: -- on Taft?

MS. SIMPSON: The Delphinus one is on
Grand River. It's 26.83 square feet. And then
the Taft Road sign is an entrance that parks in
the rear of that building, Sumika Polymers, if I
didn't torture that name. That one is 10.5
square feet. Both of which were in place,
obviously, before Delphinus took over this lease
space. So this is what we're going to call a
preexisting condition for them. We have updated
that monument sign on the Grand River Road side
to reflect what you see in the photograph here.

MS. KRIEGER: Okay. Because I drive up
and down all the time on Grand River there, and
It's almost like you have two faces. One on Taft
and one on Grand River; and the angle of the road
that when you're coming westbound, you're going
to see the east face of the building. So I like
the on the front of the building the Delphinus,
but then I was thinking about the ground sign
being a duplicate that maybe would help you on
the Taft side.

    MS. SIMPSON: But the Taft Road
monument sign is currently in use by another --
    MS. KRIEGER: By --
    MS. SIMPSON: Yeah. -- by another
business which is one of the other things. We're
trying to avoid confusion to make sure people
know that that is, in fact, the Delphinus if you
happen to be going west on Grand River and see
that ten square foot ground sign. Are you with
me?

    MS. KRIEGER: So the Taft Road entrance
is one company, and the Grand River entrance is
the Delphinus company?
    MS. SIMPSON: Correct.
    MS. KRIEGER: Okay. Thank you.

CHAIRPERSON GRONACHAN: Member

    Montville.

    MR. MONTVILLE: I would just like it
make one comment about the hardship specific to
the current preexisting ground sign. It is on
the far west of the lot. So for traffic going
west on Grand River at 50 miles an hour as its
currently zoned, it could be an issue. The sign actually looks bigger in the picture on the screen right now, then I think it actually plays out when you're driving by.

So potentially for people looking for the office, I think it's fair to say that they might not see the sign until they're going 50 miles an hour and they're past the building. So I think it's warranted to have a -- let me rephrase. I support the variance as they're requesting for the second sign. I think it's warranted to have something a little farther -- a little farther east, excuse me, on the building for the eastern exposure.

CHAIRPERSON GRONACHAN: Okay. Thank you.

MS. SIMPSON: The other thing if you notice with that picture of that existing ground sign, even though the face is 26.8 square feet, proportionally their logo takes up about a third of that. So the monument is there, but we're not crazy oversized with logos or text or naming or branding of any kind.

CHAIRPERSON GRONACHAN: Okay. I went out, and it was dark, and it was raining. And
going down Grand River in the dark is always a
trip. But I have to say that the first time I
drove by it, I didn't see a need for the sign.
And then I went back and reread the case, and I
found your challenges.

The first challenge is that there's
more than one tenant in the building. The second
challenge is the fact that you're a new business
to Novi and not really identified as of yet as to
where and how and all about. The third challenge
is the angle of the roads. So for the guy that
was behind me that was ready to, you know, run me
off the road I, apologize; but it was Sunday. I
was trying to do 30 and look at everything. It's
not easy.

But having said that, in all
seriousness, when you're going up Grand River and
heading west towards Beck, your ground sign
almost blends into the building next to it; and
there's confusion. And that to me is all about
not causing a safety issue. However, if you're
coming up Grand River going west and you see the
building sign first, now you have a heads up and
you know that you're going to be looking for a
driveway. At least I would be. I don't know
what the guy behind my on Sunday was looking at.

But in all seriousness, I think that given those reasons, I am in full support for the sign. I think that it's tastefully done. I don't think that it's over the mark given the frontage of the building and given the angle, like I said, about Taft and Grand River, I will be supporting this request.

Having said that, is there any further discussion? Is there a motion?

MS. KRIEGER: Yes.

CHAIRPERSON GRONACHAN: Member Krieger.

MS. KRIEGER: In Case Number PZ-16-0004 for 45525 Grand River Avenue for Delphinus Medical Technologies, I move to grant the request; that the petitioner has shown practical difficulty for the location, the speed of Grand River; that it's a new business; that the angle of the roads makes it difficult for people to find their driveways; that it's two businesses; that this is a unique property because of its shape and topography and not self-created because Tate and Grand have been here first, the relief granted will not unreasonably interfere with adjacent or
surrounding. They have shown support from their neighbors and the relief is consistent with the spirit and intent of the ordinance.

   MR. SANGHM: Support.

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

   Seeing none, Mr. Boulard, would you please call the roll?

   MR. BOULARD: Certainly.

   Member Montville?

   MR. MONTVILLE: Yes.

   MR. BOULARD: Chairperson Gronachan?

   CHAIRPERSON GRONACHAN: Yes.

   MR. BOULARD: Member Krieger?

   MS. KRIEGER: Yes.

   MR. BOULARD: Member Sanghm?

   MR. SANGHM: Yes.

   MR. BOULARD: Member Byrwa?

   MR. BYRWA: Yes.

   MR. BOULARD: Motion passes five to zero.

   CHAIRPERSON GRONACHAN: Your variance has been granted, and welcome to Novi. We hope you have a very long and happy stay.

   MS. SAUNDERS: Thank you so much.
MS. SIMPSON: Thank you.

CHAIRPERSON GRONACHAN: Good luck.

Okay. Our next case is PZ-16-0005, David -- sorry, Seba. The applicant is requesting a variance from the City of Novi to allow creation of two new residential lots without frontage on the public street. Is the petitioner here this evening?

Would you please come down.

MR. SEBA: Good evening.

CHAIRPERSON GRONACHAN: Good evening.

Would you please state your name for our recording secretary and spell it, and then be sworn in by our secretary.

MR. SEBA: My name is Jim Seba, J-i-m. Last name is S-e-b-a.

CHAIRPERSON GRONACHAN: Okay.

MR. MONTVILLE: Please raise your right hand, sir.

Do you swear or affirm that the testimony you're about to give is the truth?

MR. SEBA: I do.

MR. MONTVILLE: Thank you.

CHAIRPERSON GRONACHAN: You may proceed.
MR. SEBA: The request -- I should just -- a little background about the property. The property is zoned R-4, currently has four conforming lots that are not part of a condominium association or any -- anything along that line. We -- we've had a -- I've had a discussion with the -- with the City actually over the last year or so.

Currently three lots are -- are facing east along Novi Road and one lot facing south along Cottisford. And the discussion started with -- with the idea of putting three cuts along Novi Road to access those lots or a driveway basically to access those -- those buildable lots. And at one point considering the traffic flow on Novi Road, we suggested -- I suggested that we put a private road that starts at Cottisford and going north making the three lots that are facing east -- basically turn the structure around and have the -- the -- the dwellings or the houses facing west along the private road.

In this case, basically alleviates any backups or any traffic backups that may happen from entering and -- and exiting onto Novi Road.
directly. Again, the property is zoned R-4. The -- the design that we've come up with basically gives -- gives us about a 50 percent density of what the property is zoned for. The one lot -- it's actually four lots, and all four of them are conforming to frontage on a public road.

To put that road in, some of the -- I own all four lots. So to put that road in, we had to shift some of the property lines in different directions to allow for basically a conforming road, you know, built to City standards by shifting some of the property lines. The fifth lot actually that was added would face the private road. And so technically one of -- because of that road, one of the lots became nonconforming because of that private road.

So that's why the variance we're asking for is for two. But four are existing. The fifth one is being added because of that private road basically and -- and, you know, the direction it goes in. And, again, it's -- we're trying to preserve the property as much as we can.

Actually I'm going to more than likely,
end up building a house for myself and my family in one of those lots. But at -- at this point, like I said, we're trying to preserve as much of the property as possible by doing five instead of ten, by trying to situate them in areas where there are as little disruption -- destruction to trees as possible and, again, trying to preserve the nature of -- of the property as much as possible.

CHAIRPERSON GRONACHAN: Okay. Is there anything else?

MR. SEBA: Basically, again, you know, we're -- everything -- the design was -- we did a survey of the property with all the trees and all their locations, and we did the design. And the road -- oh sorry. The road kind of winds around and was intentionally done that way to try to avoid taking down as -- as -- as many trees as we can save basically. So by -- again, we're -- we're -- we're doing -- what we're doing is, you know, by siting the road and the building envelopes, we're finding areas on the property that has the least amount of disturbance to the property and to its -- to the trees on the property.
So, basically, that's -- that's -- you know, we've submitted the drawings. You've seen the drawings. And, like I said, by putting that private road to avoid having to put three cuts on Novi Road, it made two of the lots nonconforming because now they are not facing a public road. They're facing a private road -- or access off of a private road which, again, it -- it conforms to all City standards.

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

I'm sorry, just one moment.

Building department.

MR. BOULARD: If -- if I might, I just wanted to put a couple of things on the record before -- to kind of frame the conversation. I -- I spoke with Mr. Seba last week. One of the things that, from my standpoint, is that -- yet we advertise for this, and I think this is a critical time to have a public hearing, but because the road and utilities require basically site plan approval, my thought is that this request is premature at this point in terms of action. Because if the road and the utilities
aren't approved, then there's really no need for the variance.

Certainly everybody is here. We advertised for it. But my recommendation -- and obviously should you choose to accept it, my recommendation to the board would be to have the public hearing, but to delay until -- delay to a date certain or to a point after the planning commission has -- has considered and approved this. Because I think we both agree --

MR. BYRWA: Yeah.

MR. BOULARD: -- you know, it's good to get the word out and talk about it; but without the road and the utilities, there's really no purpose to this because they couldn't have the fourth lot. So that's one thing.

The other thing is that I had a lot of conversations with a lot of the neighbors. One of the things that they talked about was -- was some activity or some -- some -- a settlement that took place, I think, between certain neighbors and -- and yourself regarding development of the property. And -- what was that name?

MS. SAARELA: Joe Feno.
MR. BOULARD: Yeah. If you don't mind, we've tried to get some clarity to that. Thank you to all of you who forwarded that. But I think in terms of the comments, it would be important to understand where that fits in the whole picture. So I defer to the -- if it's all right, madam chair, I defer to the attorney.

CHAIRPERSON GRONACHAN: Absolutely.

The City attorney.

MS. SAARELA: So we took a look at the existing settlement agreement which was entered into between the adjacent property owners and Mr. Seba's predecessor in interest of the property. The settlement agreement does pertain to this property. However, like the fact that the site plan hasn't been submitted for review yet, the terms of the settlement agreement, it's probably premature for anyone to try to look at the settlement agreement with respect to what's proposed now because you would need to know the exact locations of structures and the exact location of the road before anyone can make the determination of whether the settlement agreement was being violated or how it applied to this particular property.
Being that -- that being said, that's not something that the City would be considering. You know, that's not within the City's realm of consideration. The City is reviewing whether the proposal meets ordinances or whether it should be subject to a variance. The settlement agreement was between private parties. The City is not a party to the agreement.

The City is not bound by the agreement in the application of its ordinances. So in considering your variance request today, you only should be looking at the zoning ordinance, standards for variance, and considering the proposal in accordance with the City ordinances. The settlement agreement is a private agreement.

If for some reason down the road this makes it -- it gets its variances and makes it through site plan approval and the parties to the agreement feel that the final result of this violates that agreement, that's a private matter that would have to be enforced in court in accordance with the terms of the settlement agreement by someone who is a party to the settlement agreement. So for the ZBA to try to consider the substance of that agreement today,
would be inappropriate and inapplicable, really, at this point to what's really before you.

CHAIRPERSON GRONACHAN: Thank you.

Yes, Mr. Boulard.

MR. BOULARD: To further belabor the point -- and I just wanted to clarify that Mr. Seba is working with our planning staff. I believe there's a drawing and I think his engineer is here also. And I believe there is a drawing that is subsequent to what's in the packet. So that process is moving forward. But I think until we have resolution to it, it would be premature to, you know, bring a decision forward. So thank you. I'll be quiet and answer any questions.

CHAIRPERSON GRONACHAN: No, we don't want you to be quiet. But thank you both.

Having said that, is there anyone in the audience that wishes to make comment in the matter -- in this matter?

Yes, please come down.

MS. STOEVER: Hi. Would you like my name?

CHAIRPERSON GRONACHAN: Please.

Last name Stoever, S-t-o-e-v-e-r.

CHAIRPERSON GRONACHAN: And your address, please?

MS. STOEVER: 43440 Cottisford Street, Northville 48167.

CHAIRPERSON GRONACHAN: Okay. You can proceed.

MS. STOEVER: I am in -- I am in education. This is not my forte. So forgive me if I speak in layman's terms over all this; but when I bought the home four years ago, it was to my understanding that there may be a home built to the right of my home off of Nine Mile going -- I guess it's south. I'm really not good with my demographics.

I am not happy with the idea of two parcels being placed in the woods, back yard of my home that would basically back up -- it looks like it's literally almost on top of my home. It's not something that I want for my real estate value for when I do decide to leave at some point. And it's something that concerns me greatly since I do have a lot of noise backing up to the woods of my home on Novi and then also on Nine Mile.
I'm not looking for a road to my right for more traffic. It's nothing go to do anything for my real estate value. I'm a single mom, and I'm in education which that tells you a lot about my finances. So this is something that concerns me greatly especially if there's two small parcels being put behind my home. I don't know what the use of them would be other than maybe rentals and turnovers, and I do have teenage children. This is not something that I signed up for. Thank you.


MR. LE: My name is Isaac Le. Last name is Le, L-e. And I live on 43455 Novi. Right to the -- I'm on the right of the borderline of the variance that are going to happen and where the private road will be.

I moved into the house about a year and a half ago, and there is nice court and the reason I chose the house and the moving into was because it is -- is only one way in, one way out, and is backed by the woods, and in nice -- and neighbors. Now, this is all changed because of that private road he's talking about. And then
it is right up to the borderline, about ten, 15 foot from my house.

And if you look at my house all my living space is on the south side, which is where variance is happening. About 80 percent of the wall is windows. And I really am enjoying the Michigan sunlight, and then -- and then it will open up my backyard to the public without to -- and he say is a private road; but now because of this road, all the houses are facing, too, this into the road. And then we'll see the traffic coming in and out. And then the privacy is one thing.

So we -- all the windows will be house right there, and open road, and the traffic coming in. And then probably we'll have to close all the windows, and then I don't imagine living in a house with the curtains closed all the time. And then noise, of course; and then probably will be car coming in at 2:00 in the morning and then beaming in your bedroom for sure there.

And then right now the -- our court is enclosed, but now is open up by this road or if you can access this road to the subdivision where we are in my house someone can just walk in and
you can bike in, even you can drive in. There's
a park there where you can -- it's kind of a
security issues -- concerns I have.

And then one of the other things, it
definitely is going to devalue the house. The
Indiscernible price is higher than -- the
division is higher than average Novi house is.
The reason is this that because it's nice
subdivision, but now it is going to open up the
back, and then we'll lose that high premium that
we paid for when we bought on our land.

And then erosion is another thing that
I'm looking. At right now my house is a little
bit higher ground of the variance that's going to
happen. According to the variance, they will cut
down to thirds and put on the lower ground. And
it will definitely be a accelerate the erosion
process. This is safety issues that we have as
well.

CHAIRPERSON GRONACHAN: Okay. Thank
you. Is there anything else?

MR. LE: That's about it.

CHAIRPERSON GRONACHAN: Okay. Thank
you. Anyone else?

This gentleman in the white jacket and
then the --

MR. GALICKI: My name is Phillip Galicki. I live at 43515 Mclean Court in Novi. I live in Weston Estates north of where Mr. Seba's property is.

In looking at the site map, there's not enough information in the site map that describes the proposed road. And my concern is could emergency vehicle, a fire truck, for example, turn around on the road and will there be enough area for 180 degree turn? Also the size and shape of the parcel, is it deep and wide enough to accommodate the size of houses to be built and the road? It -- the site map just doesn't show enough info. When we decided to build a house in Novi, we were attracted to the area because of the woodlands surrounding our home. With the addition of two houses and a road, it will detract from the area and the property values of the surrounding houses.

Mr. Seba does not want access off Novi Road for the lots. He does not want access for the lots of -- excuse me. Mr. Seba does not want access off Novi Road for the lots adjacent to Novi Road. He wants to create a new
subdivision by dividing the property with its own private road which result with the loss of trees and the woodland area. And I'm against this.

CHAIRPERSON GRONACHAN: Okay. Thank you.

MR. MIGLIO: I am Terrence Miglio, M-i-g-l-i-o T-e-r-r-e-n-c-e. And I live at 43461 Cottisford, the property that's directly across from this particular lot. I am one of the people who is party to this settlement agreement that arose out of litigation against Mr. Seba's predecessor some years ago. And aside from what the settlement agreement with its use restriction provides, it's my position that this particular request for a variance does not establish that the standards are met for a variance according to the City of Novi's ordinances. There's nothing particular about this property, the physical limitations or the topical, that requires a variance on an ordinance that applies to all the other residential properties in Novi.

Secondly, this particular variance is requested because it's been self-created by the property owner. He's subdivided the property yet again calling into question whether or not any of
the two pieces of property are -- have fronting a public road. That's created by the property owner. Three of the parcels that are already been divided have access to Novi Road. That's a public road. There could be access to the remaining pieces of land within that particular parcel by going through Novi Road which fronts on it. As my previous speaker said, this not only adds a new piece of property, a fifth home to this parcel, it creates a new subdivision with it's private road.

And I tend to disagree with Mr. Seba because not only will the -- the structures themselves take out woodlands, but the private road that goes directly goes to those structures will also remove more of the woodland area without any question whatsoever. Now, each of those three parcels that were on Novi Road were advertised and could have been sold with their own ad -- with their own driveways. There are other residential parcels on Novi Road that have access to their properties.

This particular request for a variance does not in any way, shape, or form pass those five standards. And, in fact, as you've heard
from other people and what is my opinion, that it will be a substantial adverse impact on the surrounding properties by putting what amounts to a mini subdivision with five houses crowded on this lot in a relatively peaceful, calm, longstanding neighborhood with rolling greens and woodland areas and will destroy what we've had in this particular area which has been unique.

Thank you.

CHAIRPERSON GRONACHAN: Thank you. Is there anyone else?

MS. MAHLMEISTER: My name is Tina Mahlmeister. That's T-i-n-a. Last is M-a-h-l-m-e-i-s-t-e-r. I live at 43421 Cottisford with my husband Dan who is sitting there. This is the property we live at here. This is the property in question. These are the three lots that Mr. Seba has which has frontage on Novi Road. The lot he's requesting which is, my understanding, this property was deemed over to him, this little area right here, was given to him to allow access to Cottisford Road.

This is part of a letter that was given, and I also have additional copies. I'd be
glad to hand you these so you can read them a little better. This letter states that Mr. Seba was well-aware of the enforceable deeds that were placed on that property, and he was sold that little piece of property so that he could have access -- or so he was told, to Cottisford, right here, by the previous owners who are on this letter, Keith and Lisa Brandt, who are real estate -- who are Realtors, who are licensed Realtors, who should have known that there were deed restrictions placed on that lot.

Okay. When we look at this lot -- the schematic here, you're looking at five houses. He wants a house here. He wants a house here. The lot -- the road will be going kind of a curvy road here. He wants a house here, here, and here.

Mr. Seba, I understand it is very difficult with the money you have put in and the sewer line which has also ruined my berm, but because of that, I don't see why you couldn't get and replat this to make it so that the lots are longer to accommodate a more flowing lot line with trees. There are other homes that are on Novi Road that have frontage on Novi Road that
are able to accommodate this. This way you could actually have the homes set farther back and you could hopefully recoup some of your monies out of what you've already invested.

My second thing has to deal with -- the City of Novi, it has in there one of the ordinance enforcement resources talks about, you know, please contact either your home owners association or subdivision deed restrictions. I know you had an issue with this letter in regards to Tri-County and your deed and all things in that respect. But when you're investing that amount of money in it, there's a phrase caveat emptor, buyer beware. With that amount of money that you were putting in there, I wish you would have realized how important it is to look into all aspects of it.

This letter states, Mr. Seba, by our attorney -- that you have written -- Mr. Seba's discovery of this settlement agreement came as a complete shock and destroyed his investment backed expectations for the property. Had Mr. Seba been advised of the existence of this settlement agreement, he would have never purchased the property in the first place and
would not have invested substantial sums after the purchase. I sympathize with you in regards to that, but it's unfortunate that Brian and Lisa Brandt, gave you false --

CHAIRPERSON GRONACHAN: Excuse me --

MS. MAHLMEISTER: -- information --

CHAIRPERSON GRONACHAN: -- ma'am.

MS. MAHLMEISTER: -- that you could have access.

CHAIRPERSON GRONACHAN: Ma'am.

MS. MAHLMEISTER: Yes.

MS. SAARELA: I think we're getting off track on what the appropriate procedure is. This is to provide information to the ZBA, not to have a discussion with the applicant.

MS. MAHLMEISTER: Right. I do understand that, and I also have a point to make. According to your wetland and woodlands stewardship. This whole property here has to deal with wetlands. Here's a map of where we are. This is Cottisford. The whole area in question here is regulated wetlands, and I would hope that we keep in mind the City of Novi and why it was founded and how we have wetlands and why we have them because it adds to, Number 1,
increased property values.

All this is mentioned in your wetland and woodland stewardship, the advantages of having woodlands. In regards to all of this information, I oppose having any variance. Mr. Seba created the problem. He could go and have it replatted, have the lots realigned or whatever needs to be done. It has a negative impact on the existing homes in the subdivision, and I oppose this. Thank you.

CHAIRPERSON GRONACHAN: Thank you. Is there anyone else?

MR. PATEL: Good evening. My name is Nilesh Patel. I live on 43467 Mclean Court, Novi Michigan 48375. The property I own is immediately north of the lots -- lot line and next to Mr. Le.

I oppose to this variance in particular because, one, he is putting too many houses on 2.38ths of an acre. The house sizes are -- two of them are close to 4,000 square foot houses, and the other three are 3,300 square foot houses. So by -- when you put those type of houses on 2.38 acres, you're going to remove all the woodlands.
Furthermore, the lot is very challenging. The previous builder was offered this plot, the parcel; and he refused it because he -- he came -- he told me that it's very challenging, and he could not build there. Even though he built our own sub, he could not build that.

It's very hilly. There's a lot of down slopes. And on our side, we are already having considerable erosion problems between us and our neighbors. And this year we're going to have to call an engineer firm because our retention walls are all -- all the old ones are coming out. And it's a very steep bank where he's going to put the houses up.

Above all he's decided to put the biggest house where he's claiming for the variance, and that would undermine our property values. And he's putting it 11 feet away from the property line. I think that is unfair. I'm sure if somebody did that to your -- where you live behind your house, you would not be very happy as well. And for these reasons, I think he's putting too many houses on the lot, and it should be refused. And as a resident of Novi,
considering he's not a resident, I think our views should be taken into account first. Thank you very much.

CHAIRPERSON GRONACHAN: Thank you.
Anyone else?

MR. SCHREMS: Hello, my name is Tom Schrems, T-o-m S-c-h-r-e-m-s. I live at 43500 Cottisford. Currently the approved zoning ordinance would allow structures to be built on the properties, and it would also meet the current settlement agreement that is in place. So it would make -- make both the -- meet the City standards and be in compliance of that settlement agreement with the property owners. This variance would allow property to be -- to allow two structures within 25 feet setback of my eastern property line. My property line borders the western most side of Mr. Seba's property.

Having two structures within 25 feet of my property in a neighborhood in which most properties are approximately an acre would significantly have a negative impact on my property value having two -- two houses right next to my property line without the benefit of having a natural woodland setting. So I would be
eliminating that and have two structures built in that area. The current approved plan has lots that have access to Novi Road. With that access, there is no need for a private road, nor is there a need for a variance. And with that, I oppose this request.

CHAIRPERSON GRONACHAN: Thank you.

Anyone else?

(No audible response.)

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

MR. MONTVILLE: Yes, madam chair. 23 letters were mailed, zero return letters, zero approvals and six objections.

The first comes from Maria Schrems. I object to the requested variance. Currently the property owner could build on the property without this variance developing it in a similar manner to the other properties in the subdivision whose owners have followed the zoning ordinances without variances.

The property owner chose to divide the property in a manner that requires a variance. If the property owner had chosen different division of the property, this variance would not
be needed. Allowing the variance could encourage
the property owner to ignore the use restrictions
documented in the settlement agreement on this
property and the neighboring properties.

Creating a miniature subdivision within
the existing subdivision would degrade the value
of the existing homes in part by removing the
woodlands that were protected in the settlement
agreement. Existing homeowners purchased their
properties with the understanding that the
settlement agreement would help protect the value
of their properties with the expectation that the
City would enforce its existing zoning
ordinances.

Our property in particular would be
adversely affected by the division of the western
portion of the property into two parcels. Two
houses with only 25 foot setbacks would border
our property instead of the 60 foot restricted
woodland area and 75 foot setback described in
the settlement agreement. This would negatively
affect both our property and our property's
value. For these reasons, I object to the
requested variance. The settlement agreement is
attached.
Moving on to the next objection letter, from Phillip Galicki. There is not enough information on the site map that describes the proposed road. Could an emergency, vehicle fire turn around on the road? Will there be enough area for an 180 degree turn? Also is the size and shape of the parcel deep and wide enough to accommodate the size of the houses to be built and the road?

When we decided to build a house in Novi, we were attracted to this area because of woodland surrounding our home with the addition -- excuse me, with the addition of two additional houses and the road, it would detract from the area and lower property values of the surrounding homes and the homes in the Weston Estates.

Third letter is from Nilesh Patel.

CHAIRPERSON GRONACHAN: It's several pages. Can we just add that particular --

MS. SAARELA: You can summarize these. You don't have to read the whole letter into the record. All you need to say is whether they're approvals or objections.

CHAIRPERSON GRONACHAN: All right.
MR. MONTVILLE: The letter from Nilesh Patel is an objection. There's another letter by Ickdon Lee which is also an objection. And the second from last letter is from Barton Heldke is an objection. And the last and final letter is from Donald J. Black and Sherri M. Black also an objection.

CHAIRPERSON GRONACHAN: Okay. Board members?

Member Sanghm.

MR. SANGHM: Thank you.

I came around your neighborhood and looked around for 20 minutes. You have a beautiful exquisite neighborhood in Novi, and I would like to keep it the way it is in my opinion. I would be very hesitant to disturb the way things are. It's such an exquisite place in Novi. It would be a shame to ruin it.

As far as Mr. Seba's application is concerned, I do not have sufficient data about the planned road and other things. So at this point, I cannot support your application. Maybe we can look at it again after the planning commission has looked at your problem. Thank you.
CHAIRPERSON GRONACHAN: Thank you. I, too, was out driving around. As a matter of fact, one of you were playing baseball with your son. That was me in the blue car so. It's just a wonderful neighborhood, rolling hills. You all described it very well. You can tell that it's the older version of Novi.

And we do not have enough information to this evening to vote on this case. I would suggest that all of you who came to speak to us tonight follow this through the planning commission and echo your sentiments to them because some of the stuff that you brought up to us is out of our jurisdiction.

What we have before us tonight is a request for a variance that we do not have sufficient information to vote on. And so along with my -- the previous speaker, I will not be making a -- I will not be making an approval or denial. My recommendation would be to table this case until after the decision of the planning commission. Is there a motion?

MR. MONTVILLE: To that point, I'm prepared to make a motion that we table Case PZ-16-0005 until we receive more information
from the planning commission and we will schedule
the next meeting as the planning commission
dictates.

CHAIRPERSON GRONACHAN: Can I add a
friendly amendment? Pending approval from the
planning commission should be the verbiage.

MS. SAARELA: I would assume it's not
going to come back here if the planning
commission doesn't make an approval. So subject
to the approval is fine.

CHAIRPERSON GRONACHAN: Okay.

Mr. Boulard.

MR. BOULARD: I guess, Mr. Seba, do you
know when the planning commission is currently
schedule to hear this or --

MR. SEBA: Well, we -- we're still,
based on some feedback, we're still tweaking the
design. Mr. Mahajan over here, the engineer
involved, is still tweaking the plan and -- and
making some changes. May I address just a couple
things that were mentioned if you don't mind.

CHAIRPERSON GRONACHAN: Hang on one
second.

What was yours --

MR. BOULARD: I guess my question is
based -- based on the best possible information that there is tweaks going back and forth on the plan and so on.

MR. SEBA: Yep.

MR. BOULARD: I guess my suggestion would be to defer a decision until the May 10th planning commission meeting. If not -- or until the May 10th, excuse me, ZBA meeting. That way we know it's a date certain. If for whatever reason the planning commission is has not considered the project at that point, we could always delay until a later time. But that way we wouldn't have to renotice and travertine and so on. So that would be my suggestion.

CHAIRPERSON GRONACHAN: Okay. Board members, are you in favor of that suggestion? Do we include that in our motion?

MS. SAARELA: From the 10th date, yes.

MR. MONTVILLE: I accept that friendly amendment that we add the specific date of May 10th date to consider Case PZ-16-0005.

CHAIRPERSON GRONACHAN: Okay.

MR. BYRWA: Support.

CHAIRPERSON GRONACHAN: It's been moved
and seconded. Is there any further discussion from the board members?

Seeing none, Mr. Boulard, would you please call the roll?

MR. BOULARD: Certainly.

Member Krieger?

MS. KRIEGER: Yes.

MR. BOULARD: Member Sanghm?

MR. SANGHM: Yes.

MR. BOULARD: Member Byrwa?

MR. Byrwa: Yes.

MR. BOULARD: Member Montville?

MR. MONTVILLE: Yes.

MR. BOULARD: Chairperson Gronachan?

CHAIRPERSON GRONACHAN: Yes.

MR. BOULARD: Motion to delay until May 10th is approved five to zero.

CHAIRPERSON GRONACHAN: And at that time, the rest of your information can be presented once we have all of it in front of us. So I wish you luck.

MR. SEBA: Thank you.

CHAIRPERSON GRONACHAN: Hopefully, we'll see you in May.

MR. SEBA: Thank You.
PUBLIC SPEAKER: Madam Chairperson,

would that also be a public hearing at that point
in time for us?

CHAIRPERSON GRONACHAN: The zoning
board meetings is always -- we always have public
participation. You can watch the website for the
agendas. They are posted about five days before
the meeting, and you'll see if the case is
posted. But, again, I would follow through with
the planning commission --

PUBLIC SPEAKER: Thank you.

CHAIRPERSON GRONACHAN: -- at this
point. Thank you.

Would the board entertain a five-minute
break at this point?

MR. Byrwa: Yes.

MR. SANGHM: Second, yes.

CHAIRPERSON GRONACHAN: All right.

Moved and seconded. The board is entertaining a
five-minute break. We'll return at 8:35, seven
minutes.

(Recess taken.)

CHAIRPERSON GRONACHAN: All right. We
would like to call the zoning board of appeals
meeting back into order. And we will proceed
with Case Number PZ-16-0006, C.A.R.S. at 24400 Novi Road. The applicant is requesting a variance from the City due to a name change on existing multi-tenant pylon signs.

Good evening. And you are?

MR. SMITH: David Smith, D-a-v-i-d S-m-i-t-h. I am the owner of Novi Muffler Company currently doing business as Tuffy Auto.
The business has been there since 1990.

CHAIRPERSON GRONACHAN: Before you begin, we need to get you sworn in, please.

MR. MONTVILLE: Do you swear or affirm that the testimony you're about to give is the truth?

MR. SMITH: Yes.

MR. MONTVILLE: Thank you.

CHAIRPERSON GRONACHAN: Now, you may proceed. Thank you.

MR. SMITH: So the business has been there since 1990. From what I've been told from the landlord, it was the first business there. I'm not changing my corporate name. My franchise commitment is up, and I'm not renewing with Tuffy. The d/b/a has already been in place for several years because I run a speed and
performance shop also. I'm going to absorb everything in there.

Our building faces to the south. The sign on the building is not visible at all until you're past it if you're coming southbound. So the pylon sign variance was originally issued so there is some visibility. Our sign, my sign, is very, very small; and the replacement sign is going to be even smaller because it has one less letter.

CHAIRPERSON GRONACHAN: Okay. Anything else?

MR. SMITH: No.

CHAIRPERSON GRONACHAN: Thank you. Is there anyone in the audience that wishes to make comment at this time?

(No audible response.)

CHAIRPERSON GRONACHAN: Seeing none, building department.

MR. BOULARD: Thank you. Just wanted to point out that this is -- that there's previous variance for this sign, but that was specific to the actual -- the names of the businesses. And so since it's going to change, that's why the gentleman is here.
As -- as I indicated, I think in the staff report, if you're so inclined there will be opportunity, perhaps, to -- if you were to reapprove this, to approve it based on one per tenant so that every time the name changes, they didn't have to come back. But that's my suggestion. I'll stand to answer questions. Thank you.

CHAIRPERSON GRONACHAN: Thank you.

Mr. Secretary, is there any correspondence?

MR. MONTVILLE: Yes, madam chair. 22 letters were mailed, two were returned; and there was one approval from John Norlock-Hertz, N-o-r-l-o-c-k dash H-e-r-t-z. And it is an approval letter noting no objections.

CHAIRPERSON GRONACHAN: Thank you.

Boards members?

Member Sanghm.

MR. SANGHM: I have been passing through your establishment for many years, and I know the only thing you're going to change is the name on the pylon and no other changes are made. I have no problem with your request. Thank you.

CHAIRPERSON GRONACHAN: I would just
like to say thank you for staying in Novi, even
though the change; and we appreciate long-running
businesses like yours. And I am in full support
of this.

If anyone would like to -- if there's
no other discussion, we could just make a motion
for our petition?

MS. KRIEGER: Okay.

CHAIRPERSON GRONACHAN: Member
Krieger.

MS. KRIEGER: In Case PZ-16-0006,
24400 Novi Road for C.A.R.S., I move to grant the
variance in this case sought by the petitioner
because of the practical difficulty the business
itself faces south. So he just wants to change
the sign, and it will not unreasonably prevent or
limit the use of the property nor have
unreasonable interference with adjacent or
surrounding properties. It's not self-created.
It is unique because of the landscaping of the
area, and it is consistent with the spirit and
intent of the ordinance. And is it just one per
tenant that they would --

MS. SAARELA: Yeah. The language would
be to allow the supplementary signage on the
pylon sign on a one-per-tenant basis going forward.

MS. KRIEGER: With that.

MR. BYRWA: Second.

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

Seeing none, Mr. Boulard, would you please call the roll?

MR. BOULARD: Member Byrwa?

MR. BYRWA: Yes.

MR. BOULARD: Member Montville?

MR. MONTVILLE: Yes.

MR. BOULARD: Chairperson Gronachan?

CHAIRPERSON GRONACHAN: Yes.

MR. BOULARD: Member Krieger?

MS. KRIEGER: Yes.

MR. BOULARD: Member Sanghm?

MR. SANGHM: Yes.

MR. BOULARD: Motion passes five to zero. The variance is granted.

CHAIRPERSON GRONACHAN: The variance has been granted. Congratulations and thanks for staying in Novi. Good luck.

All right. Our final case is PZ-16-0007, Pioneer Pharmacy at 39575 Ten Mile
Road west of Haggerty. The petitioner is requesting to allow additional wall signs in form of a 45 square foot sign on the building. And there is an existing ground sign with tenant panels which is allowed and is currently approved as installed.

You are?

MR. ZAHR: Hi, my name is Ray Zahr. I'm the pharmacist and the person working the store and also the developer.

CHAIRPERSON GRONACHAN: And you are?

MR. ESHO: Mark Esho from Mark I. Signs Company.

CHAIRPERSON GRONACHAN: Would you please spell your last names?

MR. ESHO: Sure. Mark, M-a-r-k, Esho E-s-h-o.

MR. ZAHR: Ray Zahr, R-a-y Z-a-h-r.

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

MR. MONTVILLE. Do you swear or affirm that the testimony you're about to give is the truth?

MR. ESHO: Yes.
MR. ZAHR: Yes.

MR. MONTVILLE: Thank you.

CHAIRPERSON GRONACHAN: You may proceed, gentlemen.

MR. ZAHR: Okay. I'm trying to build a new pharmacy and these buildings are -- I don't know if -- you're probably familiar with them -- recently remodeled. And the current sign on street nobody uses anymore. It's all old tenant signs. And based on our building location because as you're driving up Ten Mile, the building is lower, so it's already hard to see the buildings; and to put a little, you know, 3x3, three by -- I'm sorry --

MR. ESHO: It's not three. It's about a six -- 18 inches by 42 feet -- 42 inches.

MR. ZAHR: It's not enough visibility especially because also entrance is further down. And we're trying to get these buildings revitalized because half of them are still empty. And, you know, the doctors have an urgent care center that was approved that's kind of similar to this sign. So we're trying to stay consistent with a nice simple channel letter sign, Pioneer Pharmacy Medical Supplies to help us
succeed because, you know, we'd like to
revitalize this area, and we're just hoping
you'll approve for the sign.

We're not going to use the sign on the
lawn. It serves no purpose. It's too small, and
we can't take it off. So we only have a slot in
it. It's not beneficial to us. So when I was
doing the build-out, every day people would drive
by and say where is the doctor's office at.
Where is this at. Nobody can tell because those
signs are kind of hard to read. I would have to
give directions when I was doing construction to
tell people where to go.

CHAIRPERSON GRONACHAN: Anything else?
Is there anyone in the audience that
wishes to make comment?
(No audible response.)
CHAIRPERSON GRONACHAN: Seeing none,
building department.

MR. BOULARD: Just a couple of
questions if I might?

MR. ZAHR: Sure.
MR. ESHO: Sure.
MR. BOULARD: So these are multi-tenant
buildings?
MR. ZAHR: Correct.

MR. BOULARD: And the intent of the sign ordinance is that the signs out front provide identification for the building and that folks or visitors would identify the building, come to the building and then come to the suite where they're being served. I guess when the urgent care folks came, as I recall, their argument was, Well, they're urgent care and people need to find them in emergencies and things like that and people need to find them that was the need for their signage.

My question is and, perhaps, it's slightly rhetorical, but it seems like every tennant is going to want a sign. I mean, as you indicated, you're not using the signs out front. Those could be improved, made more visible for everybody; but instead I'm concerned that with a variance for this sign, especially the size it is, there would be an expectation on every other business to get that sign, too. So I don't know if you could address that.

MR. ZAHR: Yeah, because pharmacy is similar to urgent care. It's not like physical therapy. Physical therapy next door, physical
therapy gentleman don't need a sign they get referral from doctors. Pharmacy is more like, oh, they see there's a pharmacy. I want to go to it. Instead of going, for example, to CVS and waiting an hour and a half for my prescription, we'll get you out in ten minutes. I'm not advertising.

So it's just a way to get our word out and be seen clearly. You know, a part of retail is the impression when you walk in to see our store, how professional it looks, and what the pharmacy, the sign, there's an image of what the pharmacy represents. With a little tiny sign on the street, it doesn't represent like a retail store or pharmacy that's professional or that might pull them in from the chains of anybody else.

Again, we want to -- for most small businesses I think you guys make -- you know, we've invested about 100,000 on the buildout and we just want to succeed. We don't want to close it and then it affects the rest of the building. So I see your point, but in the pharmacy end we just need a sign to say what we do, what we carry, what we offer. So we really need that
extra visibility, that little bang to get us going.

MR. BOULARD: Thank you.

CHAIRPERSON GRONACHAN: Mr. Secretary, is there any correspondence?

MR. MONTVILLE: 23 letters were mailed, two were returned, zero approvals, zero objections.

CHAIRPERSON GRONACHAN: Thank you. I'm going to jump here and just ask the size of that sign on that building. How big is it?

MR. ESHO: It's right here on the --

MR. ZAHR: It's 40.

MR. ESHO: It's a 40 square foot. So you got channel letter mounted on the white with box sign in the back with the capsule underneath it, the medical supplies, the capsule is about 12 inches by ten feet. The channel letters Pioneer Pharmacy, it's 24 inches by 15 feet long. So altogether it's going to be like a 40 square.

MR. ZAHR: The banner shows white in the back so it looks bigger than it actually is. When the channel lettering is up, it won't look as bulky. The banner right now has got a white
surface on it. It makes it look like a box sign.

It's not going to look like that.

CHAIRPERSON GRONACHAN: So it's 40 square feet, not 45? Because it says in our -- so you're asking less than 45 square feet? You're asking for 40 square feet; is that correct?

MR. ESHO: Yeah, it's 40.

CHAIRPERSON GRONACHAN: So now that we've got that clarified, I see both sides, what the building department has to say and also what you're trying to promote here.

MR. ZAHR: Yes.

CHAIRPERSON GRONACHAN: I'm not in agreement with the size of this sign.

MR. ZAHR: Okay.

CHAIRPERSON GRONACHAN: I do agree that something should be there and for the following reasons: Ten Mile is -- I spoke earlier of the main traffic area. So when you're driving down the main traffic area, it's very difficult to find -- you know, to site a spot without getting hit especially on Ten Mile especially west of Haggerty.

Your mock-up is way out of proportion.
I would entertain a smaller -- me personally speaking, I would entertain something smaller. And what you have going for you is you have the end of the building. You're not stuck in the middle. So any kind of identification on the end is going to catch the eyes. I agree with you that the other signs -- and I don't know if the City would have to talk to the landlord about getting those identification signs at the drive-in fixed.

MR. ZAHR: Yeah.

CHAIRPERSON GRONACHAN: But those should be fixed, and you should be using that.

MR. ZAHR: Not to interrupt you, but because there's three buildings and she has three signs with like different -- old names on different signs.

CHAIRPERSON GRONACHAN: I -- I get that, but I'm just saying that it should be addressed.

MR. ZAHR: Okay.

CHAIRPERSON GRONACHAN: Either that or those signs should be taken down or something should -- and that's not in our jurisdiction tonight. My major concern is the size of the
sign. I do agree with you that you need something, but I do not agree with the size. So if you could tell me something about a little smaller for that corner.

MR. ZAHR: Yeah, yeah. Sure.

MR. ZAHR: We could make it smaller.

CHAIRPERSON GRONACHAN: What would be the next option?

MR. ZAHR: We can go 18 or so. You mean smaller, shrunk --

CHAIRPERSON GRONACHAN: Well, I even think this way as well.

MR. ESHO: Just like the same design but we going it make it less, smaller.

CHAIRPERSON GRONACHAN: I personally don't think that the medical supplies has to be on there. I think that Pioneer pharmacy should be enough; and, like I said, if the purpose of your request is for identification and for easier location, we don't need to advertise that you sell medical supplies. People do theory search ahead of time. Once they get into your location, they're going to figure that out. And you mentioned that physical therapy works by referral. So if you have medical supplies that
are unique, people are going to get to your pharmacy as well. So I think that that would take it off.

And, again, when you're driving west of Ten Mile and as well as you're driving east on Ten Mile, that sticks out. And you're going to see it because you're on a corner. If you were in the middle and you had a bigger face front, that would be a different argument that I would have, but I think that smaller is better.

MR. ZAHR: Okay.

CHAIRPERSON GRONACHAN: And I think that medical supplies shouldn't be on there.

MR. ZAHR: So if we eliminate medical supplies, it would be 24x15 which is 36 square feet.

CHAIRPERSON GRONACHAN: Okay. So --

MR. ZAHR: We'll just keep Pioneer Pharmacy and remove medical supplies.

CHAIRPERSON GRONACHAN: That's what I would support. And I will turn it to my other boards members and see what they have to say.

MR. ZAHR: We would accept that if that's --

CHAIRPERSON GRONACHAN: Okay.
Member Sanghm.

MR. SANGHM: Thank you.

I came around, looked around your place, and let me track back and say that I have been a medical physician for 60 years. Okay. And I know your predicament; that business needs to be identified very easily. What are your hours going to be then?

MR. ZAHR: From 9:00 to 7:00 or 8:00 depending on urgent care.

MR. SANGHM: Is the sign going to be lit up?

MR. ZAHR: The sign is going to be lit up.

MR. SANGHM: So it would be lit at night?

MR. ZAHR: No, no. We can turn it off when we close. That's no problem.

MR. SANGHM: You can turn it off. What hours are you going to keep it on and off?

MR. ZAHR: We put a -- normally we put it on a timer. So if you want it off by a certain time, we can have it off by 11:00 or 10:00. We're going to be closed at 8:00. So it's just for the winter months.
MR. SANGHM: But you need it on during the winter months anyway.

MR. ZAHR: Right. Yeah. From 4:00 to 8:00.

MR. SANGHM: Indiscernible can see you anyway. Well, I have no problem about your application. I recognize your problem. To be honest, I have no problem with the medical supplies also because all pharmacies don't carry medical supplies --

MR. ZAHR: Right. I was going to tell her that but I don't want to --

MR. SANGHM: -- and other supplies like crutches, braces, and all other things are not necessarily -- this is not just a drugstore. This is more than a drugstore. And so I have no problem in supporting your application. Thank you.

MR. ZAHR: Just off the subject, I don't want to put window signs --

CHAIRPERSON GRONACHAN: Hang on. Let's let the other board members talk. Okay? And then we can -- anybody else?

Member Krieger.

MS. KRIEGER: I agree with...
Member Sanghm that pharmacies usually don't have the medical supplies. So to alert people that if they need a wheelchair or crutches or wristband or something, that that's important; and that also for hours of operation if you're with the urgent care that would be -- facilitate the need I could see. If not, how else are you unique compared to other pharmacies?

MR. ZAHR: Yes. I agree with you 100 percent. 100 percent. So that was the -- that was the draw. Medical supplies say, oh, I need a wheelchair. I need crutches. I need the urgent care. I need a brace for my knee. I need a metacarpal brace, anything for my hand. So you know, the chains don't carry that and because the doctor is right next door, that was to be the draw.

MS. KRIEGER: That's it for me.

CHAIRPERSON GRONACHAN: Okay.

Member Montville.

Member Byrwa.

MR. BYRWA: No.

CHAIRPERSON GRONACHAN: No comments.

Anybody have a motion?

Is anybody in agreement with me on the
size? Can we discuss that, that it should be a little smaller given the size of where he is --

    MS. KRIEGER: Can you do that? Can you include medical supplies and make it 36 square feet? You said you could reduce it to 36 square feet and that would include Pioneer Pharmacy and medical supplies.

    MS. SAARELA: I think under the current law what would be appropriate is for you to limit the size, but not the content of the sign.

    CHAIRPERSON GRONACHAN: Limit the size but not the content?

    MS. SAARELA: Yes.

    CHAIRPERSON GRONACHAN: Okay. So if we went to 30 square feet --

    MR. ESHO: 36.

    CHAIRPERSON GRONACHAN: 36 square feet.

    MS. KRIEGER: And then the lighting.

    CHAIRPERSON GRONACHAN: And then the hours.

    MS. KRIEGER: Yeah. That if it's lit as well in the wintertime that -- I mean, at night it's going to be -- now we're going into summer. At 6 o'clock it will be light, but in
the winter it would be dark. So they would
have the --

CHAIRPERSON GRONACHAN: How about a
half an hour after close, would that be good?

MS. KRIEGER: Yeah.

CHAIRPERSON GRONACHAN: Okay. Half an
hour after -- and that was given to me by --

MR. ZAHR: I mean, just so you know,
the urgent care is on all night.

CHAIRPERSON GRONACHAN: Yeah, but you
close at 8:00 you said.

MR. ZAHR: Yeah.

CHAIRPERSON GRONACHAN: So this
variance is specific to your business.

MR. ZAHR: Okay.

CHAIRPERSON GRONACHAN: Has nothing to
do with urgent care.

Okay. Do we have a motion?

Member Montville.

MR. MONTVILLE: I move that we grant
the variance in Case PZ-16-0007 sought by
New Generation Signs on behalf of Pioneer
Pharmacy for the following reasons: The business
is unique due to the medical nature of their
products and the services they provide to their
customers. The current facade of the building and location of the specific tenant makes it difficult for traffic going both west and east on Ten Mile to visually locate the business and their operation. The sign has been professionally designed also to closely and aesthetically compliment the urgent care sign directly to the east of the current tenant.

With that said I move that we grant the variances under the specific conditions that the sign be reduced to 36 square feet as opposed to the current 40 square feet that has been proposed and also the illumination of the sign can occur and take place 30 minutes before the opening of the pharmacy and the illuminating effects will be turned off 30 minutes after the close of operations on a daily basis by the pharmacy.

MR. BYRWA: Second.

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

Mr. Boulard.

MR. BOULARD: I believe -- I just want to confirm that the 36 square feet will be measured in accordance with the definition in the ordinance which means drawing a box around the
entire sign. So whatever sign he comes up with, we measure not necessarily based on conversations and assumptions here, but we base on the definition of the ordinance.

MR. MONTVILLE: Given the comments by the building department, I agree and would like to add that as an amendment to the motion.

MR. BYRWA: Second.

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

Seeing none, Mr. Boulard, would you please call the roll?

MR. BOULARD: Member Krieger?

MS. KRIEGER: Yes.

MR. BOULARD: Member Sanghm?

MR. SANGHM: Yes.

MR. BOULARD: Member Byrwa?

MR. BYRWA: Yes.

MR. BOULARD: Member Montville?

MR. MONTVILLE: Yes.

MR. BOULARD: Chairperson Gronachan?

CHAIRPERSON GRONACHAN: Yes.

MR. BOULARD: Motion passes five to zero.

CHAIRPERSON GRONACHAN: Your variance
has been granted, congratulations, based on those changes that we made; and good luck with your business.

MR. SANGHM: When do you open?

MR. ZAHR: Hopefully, April 1st. Thank you very much.

CHAIRPERSON GRONACHAN: Just around the corner. All right. Don't anybody break anything between now and then. Thank you very much.

MR. ZAHR: Thank you and god bless.

CHAIRPERSON GRONACHAN: So that leaves us with the Michigan Beer Company, Case PZ-16-0003. If there is no one left in the audience?

Mr. Boulard.

MR. BOULARD: Yes. If the board would be so inclined, my suggestion would be to consider delaying this until the next meeting on April 12th, and I assure you that our staff will be in contact with the applicant.

CHAIRPERSON GRONACHAN: Okay. So is there a motion on the table to delay the meeting?

MR. SANGHM: So moved.

MS. KRIEGER: Second.

CHAIRPERSON GRONACHAN: All those in
favor?

COLLECTIVE BOARD: Aye.

CHAIRPERSON GRONACHAN: So in Case Number PZ-16-0003, it will be moved until April 10th -- is that the right date, April 10th?

MR. BOULARD: 12th.

MS. SAARELA: 12th.

CHAIRPERSON GRONACHAN: 12th, I'm sorry. And we hope to see them there. I was all excited about hearing about their new business.

Okay. Other matters, next week we have a training session held by our --

MS. KRIEGER: Next week? The 29th.

CHAIRPERSON GRONACHAN: -- two weeks. Time flies when you're having fun with you guys. My other person told me that it was next week.

So my --

MS. SAARELA: It was, but then I ended up with a conflict.

CHAIRPERSON GRONACHAN: Yeah. All right. We changed it to the 29th.

MR. SANGHM: 29th is not next week.

CHAIRPERSON GRONACHAN: Okay. So the 29th, in two weeks. We're all looking forward to it. And also to let the board members know that
we have a new alternate that's been appointed to
the board as of last night by City Council. I
apologize, I did not bring his name with me.
Charles has got it, but we look forward and
welcome him. Hopefully by next month, he will be
on our board.

    I would also like to take this time to
wish everyone a Happy Easter and enjoy the fine
weather. And if there isn't anything else to
discuss, I would call for a motion to adjourn the
meeting.

    MR. SANGHM: Before you adjourn, I want
to wish everybody a Happy St. Patrick's Day.

    CHAIRPERSON GRONACHAN: Oh,
St. Patrick's Day, too.

    MR. SANGHM: I know I am half Irish.
They always think I am. I don't know why.

    CHAIRPERSON GRONACHAN: All right. All
those in favor of adjourning the meeting say aye.

    COLLECTIVE BOARD: Aye.

    CHAIRPERSON GRONACHAN: Meeting
adjourned.

    ** ** ** **