Proceedings taken in the matter of the ZONING BOARD OF APPEALS, at City of Novi, 45175 West Ten Mile Road, Novi, Michigan, on Tuesday, July 8, 2014

BOARD MEMBERS
Brent Ferrell, Chairperson
Mav Sanghvi
David Ghannam
Cynthia Gronachan
Linda Krieger
Rickie Ibe

ALSO PRESENT: Thomas Walsh, Building Official
Beth Saarela, City Attorney
Coordinator: Angela Pawlowski, Recording Secretary

REPORTED BY: Jennifer L. Wall, Certified Shorthand Reporter

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Novi, Michigan.
Tuesday, July 8, 2014
7:00 p.m.

** ** **

CHAIRPERSON FERRELL: We'll call to order the Tuesday, July 8, 2014 regular scheduled meeting of the ZBA. If everybody would please rise for the Pledge of Allegiance. (Pledge recited.)
CHAIRPERSON FERRELL: Ms. Pawlowski, can you call the roll, please.

MS. PAWLowski: Chairperson Ferrell?

CHAIRPERSON FERRELL: Here.

MS. PAWLowski: Member Ghannam?

MR. GHANNAM: Here.

MS. PAWLowski: Member Gronachan?

MS. GRONACHAN: Here.

MS. PAWLowski: Member Ibe?

MR. IBE: Present.

MS. PAWLowski: Member Krieger?

MS. KRIEGER: Here.

MS. PAWLowski: Member Sanghvi?

MR. SANGHVI: Here.

MS. PAWLowski: Member Gerblick is absent, excused.

CHAIRPERSON FERRELL: In the back of the room there is a public hearing format, rules of conduct. If anybody would like to get a copy of those and follow along, at this time if you have cell phones, we ask that you turn them off, or silence them at least.

Move onto approval of agenda.

Is there any changes to tonight's agenda?

MS. PAWLowski: No.

CHAIRPERSON FERRELL: All in favor of tonight's agenda, say aye.

THE BOARD: Aye.

CHAIRPERSON FERRELL: Any opposed?

(No audible responses.)

CHAIRPERSON FERRELL: Seeing none, we have an agenda.

Approval of minutes from June 10th, 2014. Any changes? Yes?

MR. SANGHVI: Page 44, line 15, was typed as sign, it should read side, s-i-d-e.

CHAIRPERSON FERRELL: Thank you.

Which one was it?

MR. SANGHVI: Line 15, page 44.

MS. KRIEGER: On page 12, line 22, it's through the chair.

CHAIRPERSON FERRELL: All in favor of those changes say aye.

THE BOARD: Aye.

CHAIRPERSON FERRELL: Any opposed?

(No audible responses.)

CHAIRPERSON FERRELL: Seeing none, we have approval of the June 10th, 2014 minutes.

Open it up to public remarks, anybody wishing to address the board on matters other than any cases that will be heard tonight, come forward now.

Okay. And this is a public hearing. When your case is called, please
come up to the podium, raise your right hand,
be sworn in by the secretary, state and spell
your name for the reporter.

Case No. PZ14-0011, 1292 East Lake Drive.

MR. GHANNAM: Raise your right hand spell your name, please.

MR. NELL: Jerome, J-e-r-o-m-e, Nell, N, as in November, e-l-l.

MR. GHANNAM: Raise your right hand, sir.

Do you solemnly swear in this case you will swear or affirm to tell the truth?

MR. NELL: Yes.

MR. GHANNAM: Please proceed.

MR. NELL: I'm proposing to build -- keep this short and sweet -- personal residence at 1291 East Lake Drive, proposed to build about a 3,200 square feet two-story home, brick, which will require -- the R4 zoning, I'm going to need variances on the sides.

The total square footage that the house is taking up on the lot, and adding actually a little bit over 850 square foot to my garage, so it's over, and I need a variance for that, too.

I feel after the improvements are done, it will be good for the neighborhood.

The house has been there, it's been there for years. It's been old and delapidated, and even though I'm going a little bit bigger and a little bit larger garage, the neighbors on both sides of me will even have a better view since I'm removing an old shed that's been there for 20 years.

I have got letters from both my neighbors on both sides. I have walked through the entire job with them, walked through the blueprints with them, and explained to them everything I was going to do and they are 100 percent on board with all the improvements I'm proposing to make.

CHAIRPERSON FERRELL: All right.

Thank you. Any comments or questions from the city?

MR. WALSH: No comments at this time.

CHAIRPERSON FERRELL: Any correspondence?

MR. GHANNAM: We have 23 mailed notices, zero returns, two approvals.

The first approval is dated 4/26/2014. It indicates, "To whom it may concern Live directly to the north of 1292 East Lake Drive. We have reviewed the house plans and plot plans for Jerome Nell's..."
proposed residence and are in full support of
all the improvements he plans to make.
Sincerely, Kyle and Lorine Murphy at 1288
East Lake Drive.

The second one is from Mr. and
Mrs. Asa Smith, 1294 East Lake Drive, Novi,
dated April 28, 2014.

"Mr. Nell has supplied us with
the architectural renderings of his home with
the proposed setbacks. We have had
conversations regarding our concerns with the
project, obstruction of lake view, property
grading for drainage issues as well as other
corns due to the close proximity to our
property of collateral damage during the
build. After our conversations with
Mr. Nell, we feel that the project will be a
beautiful addition to the area, we look
forward to having Mr. Nell as our neighbor."
Signed Asa and Carol Smith.

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

MR. SANGHVI: Thank you,
Mr. Chair.
I came and saw your place and
the only way to do anything there would be
some variance, and I appreciate your problem
and I support your proposal.

MR. NELL: Thank you.

CHAIRPERSON FERRELL: Any other
discussion?

MR. GHANNAM: I also support it,
sir. Given the nature of your lot on this
lake and it's an older developed area and
they don't really comply with current codes,
I think Member Sanghvi is accurate, you do
need some variances.
It seems like you have tried
to minimize the amount of variances and the
scope of the variances. And that's what your
job is, so I have no problem with your
request.

CHAIRPERSON FERRELL: Any other
discussion? Hear a motion?

MR. IBE: I will take it. Thank
you, Mr. Chair.

In Case No. PZ14-0011, 1292
East Lake Drive, I move that we grant the
petitioner's request as presented for the
following reasons.
One, there are unique
circumstances or physical conditions of the
property, such as narrowness, shallowness,
shape, water, topography or similar physical
conditions.
That the need for the variance
is not due to the applicant's personal or
economic difficulty.
As was described by the
applicant himself, the lot that this property
is located is at about 45 -- the width of
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this, about 45-foot width lot. And the only way for this applicant to reasonably construct any kind of home there, is if these variances are granted. Secondly, the need is not self-created. Obviously, the topography and the fact that the -- the way the physical condition of the property, it makes it practically impossible to do anything. And this applicant could not have foreseen this. Obviously, he has inherited the property the way nature has presented it.

Third, strict compliance and regulation governing areas setback, frontage, height, bulk, and density or other dimensional requirements will unreasonably prevent the property owner from having -- using the property for a permitted purpose, or will render conformity with those regulations unnecessarily burdensome.

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

And specifically, these -- some of the neighbors who submitted letters in support of this applicant did state that if there were any concerns they had, it was addressed amicably between them and this applicant. And also a grant of variance will bring about more improvement to surrounding properties and may potentially increase property values in this area since there are older and delapidated homes around here.

Based on all of this and the presentation made by the applicant, and the (unintelligible) raised by the other members, I move that we grant the request.

MS. GRONACHAN: Second.

CHAIRPERSON FERRELL: Hearing a motion and second, any further discussion?

(No audible responses.)

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

MS. PAWLOWSKI: Chairperson Ferrell?

CHAIRPERSON FERRELL: Yes.

MS. PAWLOWSKI: Member Ghannam?

MR. GHANNAM: Yes.

MS. PAWLOWSKI: Member Gronachan?

MS. GRONACHAN: Yes.

MS. PAWLOWSKI: Member Ibe?

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MR. IBE: Yes.
MS. PAWLOWSKI: Member Krieger?
MS. KRIEGER: Yes.
MS. PAWLOWSKI: Member Sanghvi?
MR. SANGHVI: Yes.
MS. PAWLOWSKI: Motion passes six to zero.
CHAIRPERSON FERRELL: Thank you.
Case No. PZ14-0012, 44050 Twelve Mile Road, Stoneridge Office Park.
We will come back.
Case No. PZ14-0014, 42990 Grand River, Discount Tire.
MR. LEWIS: Tom Lewis, L-e-w-i-s.
MR. GHANNAM: Please raise your right hand. In this case, sir, do you swear or affirm to tell the truth?
MR. LEWIS: Yes.
MR. GHANNAM: Thank you. Please proceed.
MR. LEWIS: We were before the board last month, looking for two large -- or two signs to add to the building structure, one on the front to mark the front of the building and then another one on the back side.
Based on the board's direction, we have come back with a revised plan.
We did a little bit of a photo survey across the front, showing that because of the trees and the way the building sits back in between the other properties, it's very limited visibility.
Also understanding the way the city calculates square footage, what we read is that you guys were entertaining a motion to grant a variance of 72 square feet for the rear sign, but nothing for the front sign.
What I did is I reconfigured the signage in the back to be a single line, which brought the square footage down 50.2.
We came back with a much smaller sign on the front that is more appropriate for where it's being viewed by and for the overall purpose of the sign, which is to bring people really from the road up to the front of the building, and deal with the fact that we --
you know, what they previously had or what they previously had was window vinyls, which identified the front of the store.
And at the city's request those have all been removed.
We feel that the signage is keeping with the style of the building, it's appropriate for the scale of the building and appropriate for what impact they're trying to create for the two elevations.
CHAIRPERSON FERRELL: Is that it?
MR. LEWIS: Yes.
CHAIRPERSON FERRELL: Any
MR. WALSH: Just a clarification from the last meeting. I think the question was raised by the maximum signage. I believe I indicated 24 square feet. It's actually 65 square feet. So I just wanted to make that clarification for the record.

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

MR. GHANNAM: We have 18 mailed notices, two returned mails, zero approvals, zero objections.

CHAIRPERSON FERRELL: Thank you. I will open it up to the board for discussion.

MS. KRIEGER: Under the circumstances, they came back, they did their work for the board's request and the location and topography of the building. I can support the change.

CHAIRPERSON FERRELL: Thank you. Anybody else?

MS. GRONACHAN: Thank you for going back and doing your homework and taking our advice. I think that this is a much better presentation. And I drove by there several times and I was disturbed by the vinyl, so I'm glad that that was taken down. I don't know that would help you any. It scared me. But I think that what you're doing on the front is a much better idea and I can support your request.

CHAIRPERSON FERRELL: Anybody else? Take a motion.

MS. GRONACHAN: I will make the motion, or I will attempt it at least.

I move that in Case No. PZ14-0014, for Discount Tire located at 42990 Grand River, that the request that the applicant has submitted before us this evening based on two wall signs totaling 72.5 square feet be approved for the following reasons.

The applicant's request is based upon circumstances and features that are exceptional and unique to the property, and do not result from conditions that exist generally in the city, that are self-created. Specifically, the location of the building, the rear of the building being viewed by a parking lot.

The failure to grant relief will unreasonably prevent or limit the use of the property and will result in substantially more than mere inconveniences, and ability to attain a high economic relief or financial return because of the past statements based from the petitioner saying that customers could not locate them or identify the...
The grant of the relief will not result in a use of structure that is incompatible or unreasonably interferes with adjacent or surrounding properties and will result in substantial justice being done to both the applicant and adjacent or surrounding properties and is not inconsistent with the spirit of the ordinance.

Based on, again, testimony given by the petitioner and the additional businesses within the area have similar requests for identification of the building.

MR. GHANNAM: Second.

CHAIRPERSON FERRELL: I have a motion and a second. Any further discussion?

(No audible responses.)

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

MS. PAWLOWSKI: Chairperson Ferrell?

CHAIRPERSON FERRELL: Yes.

MS. PAWLOWSKI: Member Ghannam?

MR. GHANNAM: Yes.

MS. PAWLOWSKI: Member Gronachan?

MS. GRONACHAN: Yes.

MR. GHANNAM: Member Ibe?

MR. IBE: Yes.

MS. PAWLOWSKI: Member Krieger?

MS. KRIEGER: Yes.

MS. PAWLOWSKI: Member Sanghvi?

MR. SANGHVI: Yes.

MS. PAWLOWSKI: Motion passes six to zero.

MR. LEWIS: Thank you.

CHAIRPERSON FERRELL: Case No. PZ14-0021, 24400 Novi Road, Hertz.

I'm Dominic Palazzolo, D-o-m-i-n-i-c, P-a-l-a-z-z-o-l-o.

MR. GHANNAM: Raise your right hand, sir. In this case, do you swear or affirm to tell the truth?

MR. PALAZZOLO: Yes, I do.

MR. GHANNAM: Please proceed.

MR. PALAZZOLO: We are before you today to ask for a variance for this location.

Originally the variance was granted prior to the previous tenants that were there. I believe it's a multi-tenant unit. But the variance was just specifically for those tenants, it wasn't actually applied to the sign. Hertz is now moving in this location and are asking for a 2.9 square feet sign on the brick facade of the sign, at this location, so we need a variance to make that
CHAIRPERSON FERRELL: All done?
MR. PALAZZOLO: Yes.
CHAIRPERSON FERRELL: Questions or comments from the city?
MR. WALSH: Not at this time.
Thank you.
CHAIRPERSON FERRELL:
Correspondence?
MR. GHANNAM: Seventeen mailed notices, zero returns, zero approvals, zero objections.
CHAIRPERSON FERRELL: Open it up to the board for discussion.
MR. SANGHVI: I went to your site. There is a sign there, but it’s not really easy to fine. So, I have no problem with the little sign going up. Thank you.
MR. PALAZZOLO: Thank you.
CHAIRPERSON FERRELL: Anybody else?
MS. KRIEGER: Question for the city. If we make an amendment for this business, would it go with the sign or would it go with this business?
MR. WALSH: I would recommend that the board approves a variance similar to 1996, case in ’96, for a variance granted for the existing tenant. At any time they want to change the sign, they can come back to the ZBA. So it’s limited to three signs.
MS. KRIEGER: Thank you.
CHAIRPERSON FERRELL: Anybody else?
MS. GRONACHAN: I have a question for the building department. How is it that this came about that this particular sign for this many tenants. If another tenant moves in, poor tenant, the fourth tenant is going to run out of room.
MR. WALSH: I believe it’s exposure to the face of the building, the other tenants are closer to the road. These are the tenants that -- it’s my understanding, reading the old case, that pointed towards the back of the building.
MS. GRONACHAN: Okay. Thank you for that clarification. That’s all.
CHAIRPERSON FERRELL: Any further discussion or a motion?
MS. KRIEGER: For Case No. PZ14-0021 for Hertz, I motion to approve the request for the three foot square sign based upon circumstances or features that are exceptional and unique to the property, and do not result in conditions that exist generally in this city or are self-created. Specifically that these as previously stated, these three businesses are...
farther away from Novi Road, so this would allow them to have more visual exposure to the street.

Thank you. The failure to grant relief will unreasonably prevent or limit the use of the property and will result in substantially more than a mere inconvenience or inability to attain a higher economic or financial return because of the visibility issues.

The grant of relief will not result in a use of structure that is incompatible with or unreasonably interferes with adjacent or surrounding properties and will result in substantial justice being done to both the applicant and the adjacent and surrounding properties, and is not inconsistent with the spirit of the ordinance and it would be for this tenant as requested.

MR. SANGHVI: Second.

CHAIRPERSON FERRELL: Motion and a second, any further discussion?

(No audible responses.)

Seeing none, Ms. Pawlowski, can you call the roll.

MS. PAWLOWSKI: Chairperson Ferrell?

CHAIRPERSON FERRELL: Yes.

MS. PAWLOWSKI: Member Ghannam?

MR. GHANNAM: Yes.

MS. PAWLOWSKI: Member Gronachan?

MS. GRONACHAN: Yes.

MS. PAWLOWSKI: Member Ibe?

MR. IKE: Yes.

MS. PAWLOWSKI: Member Krieger?

MS. KRIEGER: Yes.

MS. PAWLOWSKI: Member Sanghvi?

MR. SANGHVI: Yes.

MS. PAWLOWSKI: Motion passes six to zero.

MR. PALAZZOLI: Thank you.

CHAIRPERSON FERRELL: Moving onto Case No. PZ14-0022, 1367 East Lake Drive.

MS. MATTHEWS: Carmen Matthews, M-a-t-t-h-e-w-s.

MR. GHANNAM: Can you please raise your right hand.

In this case, do you solemnly swear to tell the truth?

MS. MATTHEWS: I do.

We are coming here to ask the board for an approval of a building of a pavilion on our lake lot. We call it pavilion because it's not a gazebo, it's not a pergola, it's just four posts with a roof.

Throughout the years, mostly in the last three years, the two big storms we had all trees that we had on that lot broke and died and they had to be removed.

Therefore, we are left with a
big lot exposed to the sun all day. We are on the east lake, so we get it all day. So we need a little shelter for the entire family, and because we do not obstruct the view of any people walking by, or driving by, the four posts are not going to have any walls or anything to obstruct any view. We believe that that will be suitable for the area and will just beautify everything.

And the 15 feet or 50 doesn't matter because all people will see are the posts, so doesn't matter the distance between the posts, it's just a post. The roof will be about the people view, and probably the taller the view, the roof, the better view, but the roof itself will have only three feet actually tall.

So it's the minimum that we can get so we keep the ratio appropriate for the roof or, you know, the rain and the angle that's necessary. That's about it.

CHAIRPERSON FERRELL: Thank you. Questions or comments from the city?

MR. WALSH: Not at this time.

CHAIRPERSON FERRELL: Any correspondence?

MR. GHANNAM: We have 17 mailed notices, zero returns, one approval and zero objections. The approval is from -- it looks like A-l-i-t-h-a, last name is spelled C-h-a-c-k-o, 1381 East Lake Road. It indicates, "I am their close neighbor and totally support this request. Both Bob and Carmen have added substantial improvements to their space and I know they will do a great job with this. Please approve their request."

That's it.

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

MR. SANGHVI: Thank you, Mr. Chair. I came and saw your place. You have nice tropical waters behind you. I don't feel sorry for the mosquitoes who are not going to take your blood anymore. Thank you.

CHAIRPERSON FERRELL: Anybody else? Any comments from the city?

Anybody in the audience that would like to comment on this at this time? (No audible responses.)

CHAIRPERSON FERRELL: Okay, seeing none, anybody else on the board?

MS. GRONACHAN: I do have a question. I just want to verify to the building department. I'm sorry. The height for the ordinance is eight feet?
MR. WALSH: That is correct.

MS. GRONACHAN: So they're going from eight feet to 12 feet?

MR. WALSH: That is correct.

MS. MATTHEWS: The height of a regular room where people can stand. My husband is very tall. It's eight feet. We will have a soffit and then three feet for the roof.

MR. GHANNAM: That's all I need.

CHAIRPERSON FERRELL: Entertain a motion.

MR. GHANNAM: I will go ahead and make a motion.

In Case PZ14-0022, I move that we approve the request as requested. There are unique circumstances or physical conditions of the property such as the narrowness of the lot, proximity to the lake, shallowness, shape, water and so forth. And the necessity of the variance is not due to the applicant's personal or economic difficulty. It's the nature of the lot as it was designed years ago. The need is not self-created. The requested variance is the minimum variance necessary to do substantial justice to the applicant, and the requested variance will not cause any adverse impact on surrounding property values, in fact, I think it will increase it and enhance the neighborhood.

MR. SANGHVI: Second.

CHAIRPERSON FERRELL: A motion and a second, any further discussion?

(No audible responses.)

CHAIRPERSON FERRELL: Seeing none, if Ms. Pawlowski, can you call roll, please.

MS. PAWLOWSKI: Chairperson Ferrell?

CHAIRPERSON FERRELL: Yes.

MS. PAWLOWSKI: Member Ghannam?

MR. GHANNAM: Yes.

MS. PAWLOWSKI: Member Gronachan?

MS. GRONACHAN: Yes.

MS. PAWLOWSKI: Member Ibe?

MR. IBE: Yes.

MS. PAWLOWSKI: Member Krieger?

MS. KRIEGER: Yes.

MS. PAWLOWSKI: Member Sanghvi?

MR. SANGHVI: Yes.

MS. PAWLOWSKI: Motion passes six to zero.

MS. MATTHEWS: Thank you very much. Appreciate it.

CHAIRPERSON FERRELL: Case No. PZ14-0023, 23363 Mystic Forest Drive.

MR. ATCHISON: My name is Daniel Atchison, D-a-n-i-e-l, A-t-c-h-i-s-o-n.
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MR. GHANNAM: Sir, in this case do you swear or affirm to tell the truth?

MR. ATCHISON: Yes, I do.

We are requesting two variances this evening, ordinance 2400 to allow a screened-in porch of an existing deck structure. We're requiring a 3.46-foot variance to the rear setback and the lot coverage of 25 percent to increase to 26.3 percent.

CHAIRPERSON FERRELL: Is that it?

MR. ATCHISON: Yes.

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

(No audible responses.)

CHAIRPERSON FERRELL: City, is there any comments?

MR. WALSH: Not at this time. Thank you.

CHAIRPERSON FERRELL: Correspondence?

MR. GHANNAM: We have 18 mailed notices, zero returns, zero approvals, zero objections.

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

MS. GRONACHAN: Thank you. I think that this is a minimum request that you're asking for, and I understand that given the circumstances I think that you did your homework well and I will be supporting this.

MR. ATCHISON: Thank you.

MR. GHANNAM: I will echo that. I appreciate the approval from the homeowners association, making sure there is no issues with that.

And again, I think it is a minimal request in order to do justice to your home. Thank you.

MR. ATCHISON: Thank you.

CHAIRPERSON FERRELL: Anybody else? Anybody want to do a motion?

MR. GHANNAM: I will make a motion.

In PZ14-0023, for 23336 Mystic Forest Drive, I move that we approve the variances as requested.

There are unique circumstances or physical conditions of this property, such as its narrowness, shape, topography and other similar conditions that are not due to the applicant's personal or economic difficulty. The need is not self-created. Strict compliance with the regulations for governing area setback and so forth, would prevent the property owner from using the property for a permitted purpose, or will render conformity with those regulations
unnecessarily burdensome.

The requested variance is the
minimum variance necessary to do substantial
justice to the applicant as well as
additional property owners and the requested
variance will not cause an adverse impact of
surrounding areas or property values and, in
fact, I think it will enhance it.

MS. GRONACHAN: Second.

CHAIRPERSON FERRELL: Motion and
second, any further discussion?

(No audible responses.)

CHAIRPERSON FERRELL: Seeing
none, Ms. Pawlowski, will you call the roll.

MS. PAWLOWSKI: Chairperson Ferrell?

CHAIRPERSON FERRELL: Yes.

MS. PAWLOWSKI: Member Ghannam?

MR. GHANNAM: Yes.

MS. PAWLOWSKI: Member Gronachan?

MS. GRONACHAN: Yes.

MS. PAWLOWSKI: Member Ibe?

MR. IBE: Yes.

MS. PAWLOWSKI: Member Krieger?

MS. KRIEGER: Yes.

MS. PAWLOWSKI: Member Sanghvi?

MR. SANGHVI: Yes.

MS. PAWLOWSKI: Motion passes six
to zero.

MR. ATCHISON: Thank you very much.

CHAIRPERSON FERRELL: Case
PZ14-0024, 27600 Wixom Road, Varsity Lincoln
parcel 50-22-17-101-029.

MR. LANDRY: Good evening. We
were here --

MR. GHANNAM: Can you state your
name, please.

MR. LANDRY: David Landry
appearing on behalf of the applicant;

MR. GHANNAM: You are a lawyer,
so you don't need to be sworn.

MR. LANDRY: 45471 Community
Court, Novi, Michigan.

MR. GHANNAM: Keep your hand
down, you're a former mayor.

MR. LANDRY: If it may please the
Zoning Board of Appeals, we were here on
April 8 seeking a sign variance for a
changeable copy sign that was granted at the
time I raised to the Zoning Board of Appeals,
that technically we needed a 1 percent
dimensional variance because the ordinance
provides that for a changeable copy sign, the
changeable copy portion cannot exceed
two-thirds, that is .6666, the changeable
copy portion of this sign is .6840.

So we are 1 percent over. The
city attorney quite correctly pointed out,
that the city had not published that we were
seeking a dimensional variance, so we had to
CHAIRPERSON FERRELL: Thank you.

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

(No audible responses.)

CHAIRPERSON FERRELL: Anything from the city?

MR. WALSH: No comments at this time.

CHAIRPERSON FERRELL: Open it up -- correspondence?

MR. GHANNAM: Eleven mailed notices, zero returns, zero approvals, zero objections.

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

MS. GRONACHAN: Good evening. I think the only reason why you’re here is basically of a mathematical error. We approved it and it was just off, technical error or whatever.

But I’m still in support. I was back then and I am now. I don’t have any questions.

I think that the previous evening of events when you were here and stated all of the cases should be part of that record and therefore I will be supporting.

CHAIRPERSON FERRELL: Any other discussion? Entertain a motion?

MS. GRONACHAN: I will.

In Case No. PZ14-0024, Varsity Lincoln Mercury at 27600 Wixom Road, I move that we approve the request as requested, based on circumstances and features that are exceptional in this case.

The percentage of sign as previously stated in the minutes dated -- if somebody can fill in that date, I don’t have that in front of me.

The failure to grant relief will unreasonably prevent or limit the use of the property or result in substantial more than a mere inconvenience, and the grant of relief will not result in a use of structure that is incompatible or unreasonably interferes with the adjacent and/or surrounding properties, as duly noted in previous testimony by the petitioner.

MR. SANGHVI: Second.

CHAIRPERSON FERRELL: I have a motion and a second. Any further discussion?

(No audible responses)

CHAIRPERSON FERRELL: Seeing none, Ms. Pawlowski, can you call the roll, please.
CHAIRPERSON FERRELL: Yes.
MS. PAWLOWSKI: Member Ghannam?
MR. GHANNAM: Yes.
MS. PAWLOWSKI: Member Gronachan?
MS. GRONACHAN: Yes.
MS. PAWLOWSKI: Member Ibe?
MR. IBE: Yes.
MS. PAWLOWSKI: Member Krieger?
MS. KRIEGER: Yes.
MS. PAWLOWSKI: Member Sanghvi?
MR. SANGHVI: Yes.
MS. PAWLOWSKI: Motion passes six

to zero.
MR. LANDRY: Thank you so much.
CHAIRPERSON FERRELL: Case No.
PZ14-0025, 2214 Austin Drive.
MR. VAICIUNAS: My name is Joe
Vaiciunas, V, as in Victor, a-i-c-i-u-n-a-s.
MR. GHANNAM: Raise your right
hand, sir.
Do you solemnly swear or
affirm to tell the truth in this case?
MR. VAICIUNAS: I do.
Pursuant to a previous request
for a variance that had been approved, it's
my wife asking for our home that we are
building, to make sure we have a 36-inch walk
by -- walk area by the side front door on the
north side.
We would need one foot onto
the easement to create this, that is where
our request is for.
CHAIRPERSON FERRELL: Thank you.
Anybody in the audience have questions or
comments pertaining to this case?
Please come forward. Come up
to the podium, state your name, spell it for
the reporter and be sworn in by the
secretary.
MS. TOMA: My name is Kayla Toma,
K-a-y-l-a, T-o-m-a.
MR. GHANNAM: Raise your right
hand.
Do you solemnly swear in this
case to -- swear or affirm to tell the truth?
MS. TOMA: Yes.
I'm here to object because it
would diminish our proper -- our view of the
lake from the side.
We have -- our landscaping --
I'm the property owner right next-door.
I spent over I would say 70
grand just on my landscaping there. And we
have a walkway there of all limestone. What
he would want to do is push it forward --
push his property forward and push my stuff
back.
Honestly, it's an investment
issue. Not only that, I think of fire
damage. Depending on like where his -- where he wants to -- he wants to completely tear down his previous home right now and rebuild a larger one, of course. But how the poles are and how my landscaping is, and how big the trees are, if there were to have any kind of, you know, fire break out, or his fire -- a fire caused in my home, it would engulf everything. It would cause a lot of damage, a ton of damage. Not only does it obstruct my view, but there was supposed to be a fence that was supposed to be there. It was grandfathered in, and as an agreement between his home and our home, we agreed that, you know, we would keep that fence there, so long as we would replace it, but that hasn't been the case. There is not good blood between us as neighbors. And we also have like farming right there, too. So as of recently, our plant, which took ten years to grow, to actually be rooted to grow, died out of nowhere. It's on that property line where he would actually have to build. So you know where I'm going with that? Also, there is traffic concerns, too, fire concerns. Traffic concerns being we already -- there is no parking on our street. So he would have to -- depending on how he's building his home, it's going to be an issue if he has a lot of people there, which there is only one person there because honestly the home is worth like 30 maybe, but that's just because the property that he invested in and, you know, he wants to tear it up of course and make a bigger investment. Any person would. But not if it harms my own property it's already paid for and everything. I don't think it would be fair whatsoever. So that's my objection to his appeal.

CHAIRPERSON FERRELL: I have a question. Do you have any pictures or anything that you --
MS. TOMA: Yes, I do.
CHAIRPERSON FERRELL: Can I see those.
MS. TOMA: Uh-huh.
CHAIRPERSON FERRELL: You can put them face up.
MS. TOMA: So this is our walkway right here. And this is where the farming is right here on top. It's a grapevine.
It's -- the leaves kind of look like -- if you have ever been to Italy, it looks just like that. This is the landscaping. We actually had a surveyor come to have our property surveyed because we wanted to go ahead and build a fence ourselves with our own money because it didn't go through with him, you know what I mean? Even that was like moved, but you can tell like where our property line is. This is all us, this is like right on the edge, so you will see like in it, upcoming steps, this is like -- this is below like past this little spot, wherever you call it. That's where that is. And then this is where the steps are. These are here, then wood up here.

CHAIRPERSON FERRELL: So where is the obstruction you would have in these pictures?

MS. TOMA: We have huge trees. So this is a tree and this is a pergola. If a fire were to happen, we have not only our -- these are the wires, the wires for the electricity or whatever. So imagine if a fire were to happen, and not only would it be dangerous for us to escape our house, but because it would either be caught on fire, or we will be electrocuted. So that's really our concern. This is all wooded --

CHAIRPERSON FERRELL: I'm confused. I just want you to explain it to me better.

By him building how does that effect you as far as if there was a fire? I mean, where would his house end up being adjacent to your property?

MS. TOMA: It would basically be right next-door. This is where he wants to come within three feet of whatever is right here right now. He wants to come very, very close of whatever the distance is right now.

So if -- this is further apart because there was landscaping. If you were to imagine a home that was actually built basically right on the line.

We have a next-door neighbor who bought an empty house, and his home was -- it's being built for eight years now. So there is debris, there is -- it becomes a huge construction issue, there is all this other stuff. If something were to happen, if we didn't actually come an appeal -- we didn't actually come and object, okay, well, let this guy do whatever, and this is eight
years ago, eight, nine years ago -- I'm sorry, eight, seven years ago. If this person actually goes through with this and something were to happen to his home or to my home, it's going to be completely damaged. If you can just imagine right now, if there is just a little gap, three feet gap with a tree.

MS. KRIEGER: Are you lot 87 or 89 on this other -- that we were given? Are you to the north or south?

MS. TOMA: North.

MS. KRIEGER: Where the trees are?

MS. TOMA: I'm the property next-door, 2154 on the north side. That's a letter that the other person who owns the property, two people that own this property. I am one of them, other one is Daniel Toma.

MR. GHANANN: That was one of my questions. Daniel Toma is not your husband?

MS. TOMA: No, it's my brother.

MR. GHANANN: Your brother. And he lives in a home nearby?

MS. TOMA: Yes.

MR. GHANANN: Okay. Second question is, is it your proposal that we not only deny this, but he shouldn't be able to build any house there? Is that what you're suggesting?

MS. TOMA: Not when it has a potential to damage our land. You can go ahead, build a house there, no problem, but I'm here to oppose the appeal to actually take that gap.

MR. GHANANN: So you wouldn't want him to have any variance based on the current codes that exist?

MS. TOMA: No, he can have whatever the current codes that exist, that's 100 percent fine with us.

But there is that 3 feet that he wants -- not 3 feet -- that's only -- what is it 7 feet that he wants to have and like 3 feet -- yeah, 3 feet space that he only wants. So it's like 7 feet into the property.

MR. GHANANN: Coincidentally we have got four cases tonight on East Lake and West Lake Drive. You have seen homes being torn down and rebuilt on these streets, have you not?

MS. TOMA: Well, I'm not there. I'm in Shawood. This is a different lake area. It's Thirteen, like old Novi. So East Lake is Walled Lake. It's Shawood Lake. This is not where the neighborhood is. I'm talking about a different neighborhood.
MR. GHANNAM: You're familiar how --

MS. TOMA: So you're saying based all the other cases --

MR. GHANNAM: No, no. I'm just suggesting that sometimes the older lots, the way they were designed sometimes can't accommodate teardowns and rebuilds and sometimes people need some variances and the question becomes their reasonableness of those variances. You understand that?

MS. TOMA: Uh-huh. I just don't think that's reasonable.

MR. GHANNAM: Okay.

MS. THOMPSON: You can go ahead and build a house, no problem. I don't mind that, you know. It wasn't even discussed. It wasn't even brought up, you know, I got a letter --

CHAIRPERSON FERRELL: If you want to have a seat right here. I want to ask some more questions of the petitioner.

What is it you're actually asking for a variance of what? I'm a little confused, if you could reexplain that.

MR. VAICIUNAS: The walkway to the front door, which is the side door, the north side actually requires a 36-inch width, is that correct?

MR. WALSH: That is correct.

MR. VAICIUNAS: Twelve inches of that needs to go onto the easement that is up to the property line, not up to the property line, but I'm saying within the easement of the property line, in order to have 36-inch walk through area.

CHAIRPERSON FERRELL: So how far from the property line will you be then if actually encroach 12 inches?

MR. VAICIUNAS: Then it will be two or three feet. I'm not sure exactly how we would actually scale out, but it would be right there. On the other side of the house we are at four feet.

CHAIRPERSON FERRELL: It's just the side of the building you're asking for the variance for, not --

MR. VAICIUNAS: Well, the side -- it's our front door will be the side of the house, with the garage will be at the street side, but the actual front door is at the side, the north side.

CHAIRPERSON FERRELL: Any questions or comments from the city?

MR. WALSH: Yes. Just if you recall this case was first in front of us back in December 2013, and the applicant at the time was actually proposing this walkway,
which is an above grade deck now right at the lot line. So if you look at the proposal now, the walkway is actually 3 feet off the lot line, so actually brought the house in approximately 3 feet. So from the walkway to the lot line, we have 3 feet, from the lot line to the proposed home we have a total of six.

So if you look at your documents in front of you, if you look at page A3 and look at the north elevation and the west elevation, that pretty much picks us up pretty clear, where you can see where the walkway now is above grade on the north elevation, and on the west elevation, you can see that there is a drop. If you look at the proposed deck area along the side, which is on the left-hand side. There will be an additional 3 feet from that to the lot line, for a total of six feet to the house.

CHAIRPERSON FERRELL: Okay.

MR. WALSH: Thank you.

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

MR. GHANNAM: Correspondence. We have 24 mailed notices, zero returns, zero approvals. We do have one objection.

My question is, the objection is two full pages, single typed. It is from the gentleman that she indicated, Daniel Toma, her brother. Do I have to read the entire thing?

MS. SAARELA: No, you can summarize it.

MR. GHANNAM: It is an objection. And I believe Mr. Toma, he had several categories of objections, just like the young lady who came in here, Ms. Toma.

He indicated his land concerns regarding the structure. He talked about the farming and the vines and so forth. He had fire concerns, talking about trees and branches.

The next area of concern was noise pollution.

Next concern was traffic concerns, and he basically indicated his clear objection to any of the variances I believe that the petitioner was asking for, to summarize.

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

MS. GRONACHAN: I have some questions for the petitioner. Good evening.

That is a lot to take in, isn't it?

MR. VAICIUNAS: Sure.

MS. GRONACHAN: First of all, I just want to say that I have served on this...
And so I find it unfortunate that you both are at this impasse. And I can understand the neighbor who is voicing her concerns. It's her home. This is her community. And I can understand where you are because you're all excited about building your new homes.

My question to you, it's Ehlers, right, correct? Ehlers is your last name?

MR. VAICIUNAS: Vaiciunas. 

MS. GRONACHAN: I'm sorry. Have you talked to the neighbors? Have you tried to communicate with them to educate them in terms of what it is that you are doing in this neighborhood?

MR. VAICIUNAS: There is no communication with this neighbor. This neighbor has threatened me, has obstructed me. Has almost attacked me. I have called the police a number of times with written explanations of what happened. After a while there is no point in talking to somebody.

We were good neighbors before that, but when she was there, it was her brother, her other brother, who threatened me and came at me with a shovel because of this fence situation that he was asking for. I never objected to any fence in any way. I just advised him, I said, the city probably won't let you have a 6-foot fence right there. And he lost it. And then at which time I just backed off and called the police.

And then after that, I was threatened by him with yelling at me across the -- across our property line, looking at me, threatening me and all of that with my wife sitting there, as we would sit there in the evening sometimes. So after while, there is no point in talking.

MS. GRONACHAN: That's too bad. That is very unfortunate. And I just want to say this. Because I have been in this situation before with petitioners and with neighbors. We all have a right to do what we want to do on our property. We don't have that right to deter other people from living there.

I think that I can see what you're requesting, it seems like you have done a lot of work. I'm going to ask the young woman who is here this evening that perhaps...
setting a meeting with this gentleman to sit
down in a calm, reasonable manner, so you
understand just exactly what he's planning to
do.

My previous fellow member
spoke about there is a lot of lots that do
not conform out there. Shaw Lake is one of
them. Walled Lake is the other. And
people's property are unique and they do not
meet the current standards to build.

This particular petitioner has
done a lot of homework and he has worked with
our building department, and when these --
when this process goes through the city, it
isn't just the petitioner who comes in and
says I want to build a home. There is
certain requirements along with the fire
code.

And this board on many
occasions has stated and asked about the fire
code up there, so there isn't anything -- we
can't -- we don't have a crystal ball, we
can't predict the future, if an unfortunate
situation like a fire happens, it's not
because the petitioner built a house on that
piece of property.

That's why I want to clarify
that there are certain codes that they take,
they are -- that's the reason for the
setbacks. That's the reason for looking at
the plans. That's why this particular
petitioner has made numerous trips to the
building department to work with our city to
make sure that it's within all of that, and
as a result that's why he's here to -- he's
already adjusted his plans once before.

If there are safety concerns
or if there were concerns where a
neighborhood would be in jeopardy, this board
oversees that, and they look at the safety,
health and welfare of all the residents, not
just the petitioner when we are viewing these
cases.

And so, I again, am going
to -- as a fellow resident of Novi, a
long-time resident of Novi, I'm going to
unofficially ask you to sit down and talk
with this gentleman, and if you need a
mediator, I'll volunteer off the record. How
is that?

But I really feel that this is
your home, you love it, it's beautiful. You
have got some wonderful things there. You're
building your new home, and this isn't the
way neighbors should be.

And so based on the case now,
back to on -- forget that -- I can support
your request, but I would -- I'm uneasy
because I would still like the neighborhood
situation resolved somewhat and come back,
but I will let my other board members give
Thank you.

CHAIRPERSON FERRELL: I have a question. If you were to not ask for the variance, what would the concern be then? Just the width wouldn't be wide enough, what is it?

MR. VAICIUNAS: To maintain 28 feet widths that I have determined so far, mostly because of the city code requirements for walk through area, then the walk through area would only be two feet, which is not --

CHAIRPERSON FERRELL: You would have to build a house that is not as wide is what you would have to do? Is that ultimately --

MR. VAICIUNAS: In order to maintain a 3-foot walk by, walk through area, then I would have to cut off a foot of the house, down to 27 feet in width.

CHAIRPERSON FERRELL: In your opinion, how much view would you block of the neighbors?

MR. VAICIUNAS: I would block none of their view, none of their view. There is nothing to block.

Because if anything, the front of the -- the back side that is on the water is a foot behind their house, on the plans, on the plot plan.

CHAIRPERSON FERRELL: Any other discussion?

MR. GHANNAM: Trying to simplify things. I have heard your neighbor's response as well as the objection in the file.

It seems based on the size of your lot, narrowness and so forth, which is quite similar to the other ones we have had, not only tonight, but, you know, over the years. Clearly, some relief is necessary, I think.

So the question becomes, you need a few variances for sideyard setbacks as well as lot coverage. And, you know, I'm never the one personally to micro manage, you know, move your house one foot this way, or raise the roof or decrease that. I just generally don't do that.

My theory is, so long as you are meeting building requirements, does your ultimate product -- does it harm neighbors, does it affect safety and things like that. I try to look at the bigger picture. To me, it doesn't seem like it does affect your neighbors. In fact, I think --

to me it would enhance the neighborhood given the -- despite the objection.

So I will be in support of...
MR. VAICIUNAS: Thank you.

CHAIRPERSON FERRELL: Any other discussion?

MS. KRIEGER: Question about removing the trees. Are they older trees, would they be in your way?

MR. VAICIUNAS: The trees that are along the side there would be removed except for the ones up in front. The big tree that’s a city tree would be removed. Then we were going to replant trees in different places to replace the city tree at least.

MS. KRIEGER: Okay. And then I agree with the previous speakers, in that even maybe tabling this until August so that they have an opportunity to come to the city in the interim and have a discussion as previously asked. That’s it.

MR. IBE: Just so (unintelligible). She talked about, Ms. Toma talked about the landscaping, the steps, the limestone that she talked about.

Will any of that be effected, if you build —

MR. VAICIUNAS: That’s all on her property. The trees are on my property. The atrium that she’s talking about with a grapevine over it, is on my property. But back years ago, when we first bought the property, we just allowed it to go over onto property. That was no problem.

Since then, with the winter or whatever, it has withered away. It’s essentially dead.

MR. IBE: So are you saying the landscaping on her property will not be effected in any shape or form?

MR. VAICIUNAS: If anything, it will be evened out. It comes everywhere so that it comes right in line with her steps and everything. As it was on the other side, also.

MR. IBE: That’s all. Thank you, Mr. Chair.

CHAIRPERSON FERRELL: Any other discussion?

MR. SANGHVI: I have no comment.

CHAIRPERSON FERRELL: Entertain a motion.

MR. GHANNAM: I can take it. We will see what happens.

I move in Case No. PZ14-0025, I move to approve the petition as requested, for a number of reasons. There are unique circumstances and physical conditions of this property, such as narrowness, shallowness, clearly the shape, water and topography and the need for
the variance is not due to the applicant's personal economic difficulty. Clearly this is not -- I'm not going to build some huge monstrosity. I think they call them big feet in certain areas, but it's a matter of trying to accommodate an existing lot with a newer home and variances are requested and needed. The need is not self-created because the lots were designed and developed years ago and they don't -- they cannot really conform to current building standards. So strict compliance with the regulations governing this area, the setback requirements, frontage, height, and so forth, will unreasonably prevent the property owner from using the property for a permitted purpose and will render conformity with those regulations unnecessarily burdensome. The requested variance in the minimum variance necessary to do substantial justice to the applicant, as well as other property owners in the district. And the requested variances will not cause an adverse impact on surrounding property or property values or the use and enjoyment of the property in the neighborhood or zoning district. In fact, I think it will enhance neighboring properties.

MS. GRONACHAN: Second.

CHAIRPERSON FERRELL: Have a motion and a second, any further discussion?

(No audible responses.)

CHAIRPERSON FERRELL: Seeing none, Ms. Pawlowski, can you call the roll.

MS. PAWLOWSKI: Chairperson Ferrell?

CHAIRPERSON FERRELL: Yes.

MS. PAWLOWSKI: Member Ghannam?

MR. GHANNAM: Yes.

MS. PAWLOWSKI: Member Gronachan?

MS. GRONACHAN: Yeah.

MS. PAWLOWSKI: Member Ibe?

MR. IBE: Yes.

MS. PAWLOWSKI: Member Krieger?

MS. KRIEGER: Yes.

MS. PAWLOWSKI: Member Sanghvi?

MR. SANGHVI: Yes.

MS. PAWLOWSKI: Motion passes six to zero.

CHAIRPERSON FERRELL: Case No. PZ14-0026, 1705 East Lake Drive.

MR. EHLERS: I'm Gary Ehlers. Last name is E-h-l-e-r-s.

MR. GHANNAM: Raise your right hand, sir. Do you solemnly swear or affirm to tell the truth in this case?

MR. EHLERS: Yes, I do. I'm looking to seek a variance
on a -- on my cottage -- well, actually now it's my home to put a composite deck over an existing first floor footprint, over my existing lake front cottage. Well, I guess I got to call it my home, since I want to make this deck because upstairs is our bedroom. And I want open this up with a door and walk out on the second floor.

I have secured -- I think you have drawings on that from my architect here and build plans and I guess I'm seeking a variance to do that. That's I guess -- if there is anything -- it's going to be a nice one, because I wanted to do it nice, if we are going to do it. It gives us a great view on the second floor, overlooking -- there is -- my neighbor has one on the second floor, so there is quite a few of them like that down East Lake. I don't know if any of you had a chance to drive by.

That is really what we are seeking to do.

CHAIRPERSON FERRELL: Thank you.

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

(No audible responses.)

CHAIRPERSON FERRELL: City have any questions or comments?

MR. WALSH: No comments.

CHAIRPERSON FERRELL: Correspondence?

MR. GHANNAM: We have 29 mailed notices, zero returns, one approval, zero objections.

The approval was dated June 28, 2014 from Mark Adams, 1721 East Lake Drive. It simply is circled approval with no other comments.

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

MR. GHANNAM: Sir, I have no problem. You have a house, you need a deck. That's the value of a house near or on a lake. And I think it's completely reasonable under the circumstances, so I have no problem.

CHAIRPERSON FERRELL: Any other discussion?

MR. IBE: Motion. I don't think there is any -- this is a no-brainer.

In Case No. PZ14-0026, 1705 East Lake Drive, I move that we grant the petitioner's request as requested for the following reasons. One, there are unique circumstances or physical conditions of the property, such as the narrowness, shallowness, shape, water, topography or similar physical conditions have made a
variance appropriate, and this is not a self-created issue.

Obviously the petitioner here wishes to make improvement to the property, which certainly is a welcome idea, I'm sure to the neighbors.

Strict compliance with regulations governing area setbacks, frontage, height, bulk, density or other dimensional requirements will not unreasonably prevent the homeowner from using the property for the purposes permitted or will render conformity with those regulations unnecessarily burdensome, and obviously nobody wishes to impose such hardship on the homeowner.

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

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

I believe that the improvement that is due to the owner of this property will enhance the property value for both the homeowner as well as the neighbors in the area.

And quite frankly, it looks like we have had a quite a lot of developments lately on the lake. And that is welcome news because obviously anyone who is not doing development at this time, will obviously be thinking twice.

So therefore, based on the presentation made by the homeowner, which is the applicant, (unintelligible) on this board, I move that we grant the request as stated.

MS. KRIEGER: Second.

CHAIRPERSON FERRELL: Motion and second. Any further discussion?

(No audible responses.)

CHAIRPERSON FERRELL: Seeing none, Ms. Pawlowski, can you call the roll.

MS. PAWLOWSKI: Chairperson Ferrell?

CHAIRPERSON FERRELL: Yes.

MS. PAWLOWSKI: Member Ghannam?

MR. GHANNAM: Yes.

MS. PAWLOWSKI: Member Gronachan?

MS. GRONACHAN: Yes.

MS. PAWLOWSKI: Member Ibe?

MR. IBE: Yes.

MS. PAWLOWSKI: Member Krieger?

MS. KRIEGER: Yes.

MS. PAWLOWSKI: Member Sanghvi?

MR. SANGHVI: Yes.
PZ14-0027, 1957 West Lake Drive.

MR. MILLER: Good evening. My name is Mark Miller, M-a-r-k, M-i-l-l-e-r.
I'm here with my wife, Tina.

MR. GHANNAM: Ma'am, are you going to speak also?

MS. MILLER: If there are some questions --

MR. GHANNAM: Why don't you state your name.

MS. MILLER: My name is Tina Miller.

MR. GHANNAM: Can you please raise your right hands.
Do you solemnly swear in this case -- swear or affirm to tell the truth?

MR. MILLER: I do.

MS. MILLER: Yes, I do.

MR. MILLER: We are here tonight to request a dimensional variance on our property of our primary residence, 1957 West Lake Drive.

As we have heard and discussed -- heard discussed here many times, the property widths are very narrow, and along with the property width that we have purchased and have a home on, we also have an elevation discrepancy.

So today we are in here -- we are here to request a variance to the property line on both the north and south edges for the construction of a detached garage, which will replace, for lack of a better word, a shed that exists there today.

So we believe that this will be an enhancement to the neighborhood to get rid of a shed and put up a more architecturally adjusted garage that fits in the neighborhood better.

So we are asking for a variance on the north and south edge of the lot, from 10 feet down to three and a half.

We are asking for a variance from the road, from 35 feet to 19 and we are asking for a percent usage variance from the 24 percent, 29 percent.

CHAIRPERSON FERRELL: Thank you.

Anyone in the audience have any questions or comments about this case?

MS. MILLER: This is our neighbor. She came in support.

CHAIRPERSON FERRELL: Anything from the city?

MR. WALSH: I just wanted to clarify one thing on the documents that are submitted.
If you look at the proposed site plan, and the existing survey, which is the document right behind it. You can see on the existing survey, there is an encroachment of a retaining wall of approximately 4.9 feet and a gravel driveway. I just want to make it clear that the proposal is to provide the new gravel driveway within the petitioner’s parcel. So I just want to make sure it’s clear. And also the new walkway it appears to be a landscape type feature. It looks like it goes right up to the lot line, which you probably keep a minimum of one foot from the property sign, so there is a foot for a setback, so the steps should be approximately 3 feet in width.

MS. MILLER: We took the advice, when I met with you, and the architect hasn’t come up the new drawings, but we did reduce the width of what was originally submitted.

MR. WALSH: It looks like it went down from 22 to 24.

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

MR. GHANNNAM: In terms of notices, 26 were mailed, zero returned, zero approvals, two objections.

The first one is from Sarah Woodgate of 120 Penhill Street Lots 92 through 94 dated 7/3/2014. It actually says, Deborah Sims, personal representative of the Estate of the Sarah Woodgate Jackson. "There is an indication" -- first of all, the objection notation is circled and it says see attached. I see a note probably from someone from the city. That says, "I assume she means the attached letter from Deborah Sims, which is the second objection". Which I will go to.

The second objection is from Douglas and Deborah Sims, 120 Penhill lots 71 and 72, dated 7/3/2014. They also indicate see attached. And their objection is as follows. The attached number of photographs in a small survey, or the property to indicate, "Mr. Walsh attached is two photos showing my concerns regarding the Miller residence and lot 12 with -- is owned by the City of Novi, with prescriptive easement rights for backlot owners of the Bloomfield subdivision.

Photo number one and two, Mr. Miller uses over half of the lot for storage. He has extended his landscaping to the storm drain, blocking the right-of-way to the lake, has built a bridge slash dock across the front of the storm drain, moors his jet
Mr. Miller has turned the lakefront shoreline and lot 12 into his personal property. Mr. Miller has started or stated to me, parenthesis, and per our conversation today, you also, end parenthesis, that half of lot 12 was conveyed to him with the purchase of his home. Does Mr. Miller plan on overbuilding his lakefront property and using half of lot 12 for storage and green space. Again, several photographs are attached.

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

MS. MILLER: May I be open to --

CHAIRPERSON FERRELL: I have a question actually. What they are saying, the accusations of you parking your jet ski on the storm drain, stuff like that, is that accurate? Are you doing that?

MR. MILLER: The jet ski is currently parked in front of -- in line with the storm drain, obviously it's off the shoreline to get the correct depth so we could use the device. It's on that side, due to some -- we were taking out a -- what they call a muck mat out of the lake. So we temporarily had the jet skis on that side of our dock, until we could remove that mat. And now that that's gone, we can move the jet skis back over.

CHAIRPERSON FERRELL: So it's just a temporary --

MR. MILLER: It was just a temporary.

MS. MILLER: Today I was in and I spoke with city manager and I have spoken with Maureen, an ordinance officer, and I think Angela can address that I have been in the office several times to address that we will comply.

When we purchased the home, the fence line was over, and so we thought that's where our property line was, so then since we had the lot surveyed for the building, we now see the appropriate line and we already addressed that we will comply by moving a wood pile. The neighbors are, I guess, disgruntled that they lost access to the lake by that city lot, and this was initiated back in 2007.
And it continued through 2012.

As I was looking at research on this, they seem to be carrying their grudge from the former owner onto us.

CHAIRPERSON FERRELL: So they don't have deeded access from the lake to their lot, they were using somebody else's property to access the lake.

MS. MILLER: Right, and they said, well, if we can't use it, you can't use it.

So we will fully comply with moving the wood pile. It was set there so that we could do some of the construction without being in the way. But we are moving it. And I think we have until Monday to finish moving the wood.

And then they even were angry that I had flowers planted along that.

CHAIRPERSON FERRELL: Is it per the city ordinance officer you have until Monday to move the wood pile?

MS. MILLER: I just told them I would do it by Monday.

CHAIRPERSON FERRELL: By Monday, okay.

MS. MILLER: I think the original letter of the violation of that ordinance came to me on June 30th. And with vacation, I said, give me two weeks, they said, sure. I spoke with them again today.

CHAIRPERSON FERRELL: Then it says something about your dock is extended beyond your property. Is that --

MS. MILLER: That's not true. Our dock is on the property line. The south most portions, so that we could remove that lake mat.

Then there were a couple of sections of dock that floated across the lake two seasons ago and four of the pieces were reclaimed by their owners and two of them remained.

Well, across this drain, there is quite a spread, so I just put them as a bridge there, which is true. I did. It's quite portable. It's not fixed. But children will cross that as they are crossing from the lots and other neighbors.

So that's also true. And we address that today to find out what legal would say about it. And then I asked if there was a way for me to get it legalized to have flowers on our boundary, to plant petunias really. It's ridiculous. But I asked parks or beautification, is there some way we can make it legal that I can plant on the slope of the drain that's on the lot adjacent to us.

CHAIRPERSON FERRELL: The size of the garage you plan on building, is there a...
reason you are building it that big or just personal preference --

MS. MILLER: Two car garage, you have no basement, you have no attic. It has nothing to do with the building permit because clearly within lines, they’re just not happy neighbors. They haven’t been.

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

MS. MILLER: I spoke with the city manager about the existing remaining wall, Mr. Walsh, and they said, no need to change that at this time.

MR. WALSH: Okay.

MR. GHANNAM: Certainly if you’re in violation of city ordinances or other rules, you should comply. But getting to the issues of this case, which is really all we are concerned about, the question becomes what about your garage and whether you are entitled to it.

Personally, ma’am, I have no problem, sir, I have no problem with this. I mean, you are in Michigan, you need a garage. You’re right, I think from the photograph you supplied that it does look like a shed, it's not really useable or functional as a garage.

And other -- I know we have had other people come, whether they be building new homes or simply, you know, accessory structures like a garage, they certainly have had two car garages, so I think it’s reasonable under the circumstances. You simply need it. So I have no problem with this.

CHAIRPERSON FERRELL: Anybody else? Entertain a motion?

MS. KRIEGER: In Case No. PZ14-0027, for 1957 West Lake Drive, I move to approve the request for the petitioner’s needs for this property, that there are unique circumstances and physical conditions of the property, such as narrowness, shallowness, shape, water, topography and similar physical conditions and the need of the variance is not due to the applicant’s personal and economic difficulty because of being on the West Lake and being on Walled Lake.

The need is not self-created that the -- this is how the property came with the house and garage separate. Strict compliance with regulations governing area setback, frontage, height, bulk, density or other dimensional requirements will unreasonably prevent the property owner from using the property for a permitted purpose, or will render conformity with those regulations unnecessarily burdensome.
The request is the minimum variance necessary to do substantial justice to the applicant as well as other property owners in the district, and as by previous testimony. The requested variance will not cause an adverse impact on surrounding property, property values and probably increase the value, or use and enjoyment of the property in the neighborhood and zoning district, and as per the proposed site plan as discussed with the building department, with the previous discussion, that they -- within the one foot -- that one foot and 3-foot for the driveway, or that pathway to the house.

MR. GHANNAM: Second.

CHAIRPERSON FERRELL: Motion and a second, any further discussion?

(No audible responses.)

MS. PAWLOWSKI: Chairperson Ferrell?

CHAIRPERSON FERRELL: Yes.

MS. PAWLOWSKI: Member Ghannam?

MR. GHANNAM: Yes.

MS. PAWLOWSKI: Member Gronachan?

MS. GRONACHAN: Yes.

MS. PAWLOWSKI: Member Ibe?

MR. IBE: Yes.

MS. PAWLOWSKI: Member Krieger?

MS. KRIEGER: Yes.

MS. PAWLOWSKI: Member Sanghvi?

MR. SANGHVI: Yes.

MS. PAWLOWSKI: Motion passes six to zero.

CHAIRPERSON FERRELL: Have a good evening.

Recalling Case No. PZ14-0012 44050 Twelve Mile Road, Stoneridge Office Park.

MR. GHANNAM: I will move to table it, but have we heard anything from the petitioner?

MS. PAWLOWSKI: The applicant did leave me a voicemail today and stated that they had been let go from the project, and that she had spoken to the owner and let them know that they had a case tonight before the board, and he told her not to worry about it. So I'm not sure where it stands.

CHAIRPERSON FERRELL: Should we table it to --

MR. WALSH: Make a recommendation, we table it to the August meeting and we will contact the property owner and let them know that the board will take action at the next meeting.

MR. GHANNAM: So moved.

MS. KRIEGER: Second.
CHAIRPERSON FERRELL: Do we need a voice vote?

MS. SAARELA: Sure.

CHAIRPERSON FERRELL: All in favor for tabling Case No PZ14-0012 to August 12.

THE BOARD: Aye.

CHAIRPERSON FERRELL: Any opposed?

(No audible responses.)

CHAIRPERSON FERRELL: Seeing none, the case will be tabled.

Any other matters? Anything else from the city or the board?

MR. GHANNAM: Nothing else, I'll move to adjourn.

MS. KRIEGER: Second.

CHAIRPERSON FERRELL: All in favor say aye.

THE BOARD: Aye.

CHAIRPERSON FERRELL: Any opposed?

(No audible responses.)

CHAIRPERSON FERRELL: Seeing none, we are adjourned.

(The meeting was adjourned at 8:22 p.m.)

* * * *

STATE OF MICHIGAN )
COUNTY OF OAKLAND )

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

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

IN WITNESS THEREOF, I have hereunto set my hand at the City of Walled Lake, County of Oakland, State of Michigan.

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