REGULAR MEETING - ZONING BOARD OF APPEALS

CITY OF NOVI

TUESDAY, FEBRUARY 13, 2018 7:00 P.M.

Council Chambers | Novi Civic Center | 45175 W. Ten Mile Road

BOARD MEMBERS:

Cindy Gronachan, Chairperson
Brent Ferrell, Secretary
David M. Byrwa
Joe Peddiboyina
Linda Krieger
Thomas Nafso
Samuel Olsen

ALSO PRESENT:

Thomas R. Schultz, City Attorney
Lawrence Butler, Comm. Development, Dep. Director
Katherine Opperman, Recording Secretary

Reported by:

Darlene K. May, Certified Shorthand Reporter
Novi, Michigan

Tuesday, February 13, 2018

7:00 p.m.

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CHAIRPERSON GRONACHAN: Good evening. And welcome to the City of Novi Zoning Board of Appeals February 2017 (sic) meeting.

Would you please stand for the Pledge of Allegiance.

(Pledge of Allegiance.)

CHAIRPERSON GRONACHAN: Thank you.

Katherine, would you please call the roll.

MS. OPPERMAN: Member Byrwa?

MEMBER BYRWA: Here.

MS. OPPERMAN: Member Ferrell?

MEMBER FERRELL: Here.

MS. OPPERMAN: Member Gronachan?

CHAIRPERSON GRONACHAN: Here.

MS. OPPERMAN: Member Krieger?

MEMBER KRIEGER: Here.

MS. OPPERMAN: Member Olsen?

MEMBER OLSEN: Here.

MS. OPPERMAN: Member Nafso?
MEMBER NAFSO: Here.

MS. OPPERMANN: Member Peddiboyina?

MEMBER PEDDIBOYINA: Yes.

MS. OPPERMANN: And Chairperson Sanghvi is absent, excused.

CHAIRPERSON GRONACHAN: Thank you.

This evening we only have two cases so we'll try to work quickly. I'm going to ask to make sure that everybody has their cell phones on vibrate.

And the meeting will follow as this: We'll call each petitioner to the podium. Make sure you speak into the microphone so they can hear you at home. Our audio department has requested that so they can play back the meeting and get the records accurate.

The next thing I would like to see if -- are there any changes in the agenda?

MS. OPPERMANN: No.

CHAIRPERSON GRONACHAN: Thank you. The agenda stands.

The minutes for January 2018 were in our packet. Are there any changes? Admissions? Deletions?

Anyone?
All those in favor of the minutes as is for January 2018 say, "Aye." Aye.

MEMBER BYRWA: Aye.
MEMBER FERRELL: Aye.
MEMBER KRIEGER: Aye.
MEMBER OLSEN: Aye.
MEMBER NAFSO: Aye.
MEMBER PEDDIBOYINA: Aye.
CHAIRPERSON GRONACHAN: So moved.

And we’ll move right to our first case:
PZ17-0063, Berkshire eSupply, west of Haggerty Road and south of 14 Mile. The applicant is requesting a variance --

Is the applicant here?

Come on down.

-- from the City for the proposed location of a loading area in the side yard, in the interior side yard up to a total ratio of five square feet per front foot of the building to a total area of 360 square feet per building.

Good evening. Your name, please.

MR. WHITE: Yes. Good evening. My name is Stephen White with Albert Kahn Associates, 7430 2nd
Avenue, Detroit, Michigan.

CHAIRPERSON GRONACHAN: And would you please be sworn in by our secretary.

MEMBER FERRELL: Raise your right hand.

Do you swear to tell the truth in this case?

MR. WHITE: I do.

MEMBER FERRELL: Go ahead.

CHAIRPERSON GRONACHAN: You may proceed.

MR. WHITE: Okay. As it states, we are here for the variance -- two. One is two additional flag poles on the west side of the facility on M-5.

The second variance is for a side yard setback, which has been located at the southeast portion of the Filmet Lab, which is currently about 600 feet from the center line of Haggerty Road.

We're certainly here to answer any questions that you have for clarification, and I believe the applications are if front of you.

CHAIRPERSON GRONACHAN: Do you have a picture of the layout with you?

MR. WHITE: We certainly do.

CHAIRPERSON GRONACHAN: Could you please put it up on the ...
MR. WHITE: I'm just looking for the best view.

I apologize, I thought maybe the packet might be ...

(Document displayed.)

MR. WHITE: So everyone can see what I'm looking at and you can hear me. The shipping and receiving area, which is located -- let my try and get some context for you, if this helps.

I can't actually -- I don't know if I can get over as far as Haggerty Road which is, like I said, 1600 feet from this location here.

So for orientation purposes, 14 Mile Road is at the top of the page. In fact, if I stop moving it around -- okay. I'll stop here.

M-5 is where my hand is. There's a headquarters building right there where my thumb is, which I will fold up and you can see.

But the shipping and receiving area is located here. This side yard being Haggerty Road, 1600 feet in this direction.

The two additional flag poles are part of the four flag poles located on the west side of the Filmet
Lab. Approximately 150 feet from the property line.

CHAIRPERSON GRONACHAN: Can I ask the purpose of the two additional flag poles?

MR. WHITE: Yeah. The client likes to fly international flags. Certainly, the American flag as well as their corporate flags. They have visitors from around the world which they would then fly their flag as well.

CHAIRPERSON GRONACHAN: Okay. Do you have anything else to offer?

MR. WHITE: Not at this point other than answers to any questions.

CHAIRPERSON GRONACHAN: Okay. Thank you.

Is there any correspondence?

MEMBER FERRELL: Yes, Madame Chair. There was 36 letters mailed, 10 letters returned, zero approvals and zero objections.

CHAIRPERSON GRONACHAN: City?

MR. BUTLER: Because the building is greater than 200 feet in length, they are authorized to have two additional flag poles. So they could have a total of four.

CHAIRPERSON GRONACHAN: I'm sorry. Repeat
MR. BUTLER: Because the building is greater than 200 feet in length, they are by code -- they're allowed to have two additional flag poles. So they could have a total of four.

CHAIRPERSON GRONACHAN: So they don't need a variance, then, for the four?

MR. BUTLER: Not necessarily. The basis of the code says they can have two additional flags.

CHAIRPERSON GRONACHAN: Okay.

MR. SCHULTZ: Just also to point out that in that packet that is on your table are some actual renderings that might be easier to see. Starting on page four, five or six.

CHAIRPERSON GRONACHAN: Thank you. I was hoping to get it on that thing so at home they could see it as well.

MR. SCHULTZ: Sure. So that was material put together by the planning staff and submitted to you today. So ... 

MEMBER KRIEGER: Thank you.

CHAIRPERSON GRONACHAN: Thank you.

Okay. Board members?
Member Byrwa?

MEMBER BYRWA: Yeah. What is the maximum height for -- I guess that would be classified as an accessory structure. How high can they go with the flag pole?

MR. BUTLER: I'm sorry?

MEMBER BYRWA: I was wondering. I guess that would be classified as an accessory structure and I was wondering what's the maximum height that they can go with a flag pole for an accessory structure.

MR. BUTLER: I don't have that information with me at this time. That wasn't taken into consideration.

But if it's not attached to the structure, well ...

MEMBER BYRWA: Yeah. It's accessory to the main structure.

MR. BUTLER: It's accessory.

MEMBER BYRWA: But still, there should be a height limit on it. They couldn't go up to 500 feet or something like that.

MR. BUTLER: No. I believe the flags are -- I believe -- and I'd have to ask the gentlemen.
I believe the flags are the same height as the existing poles, but he would have to confirm that.

MR. WHITE: The top of the Filmet Lab is, I believe, 38 to 42 feet?

UNIDENTIFIED MALE SPEAKER: Yes.

MR. WHITE: And certainly our flags would be probably below that. So 36 foot high flag poles is probably the composition that we would be looking to establish off of M-5. So we're not looking at a major beacon down M-5. This is certainly to be within context.

MEMBER BYRWA: So not to exceed, like, 40 feet?

MR. WHITE: No. It wouldn't make any sense to be higher than the building.

MEMBER BYRWA: Okay. Thank you.

CHAIRPERSON GRONACHAN: Anything else, Member Byrwa?

MEMBER BYRWA: No, that would be all.

CHAIRPERSON GRONACHAN: Okay. Thank you.

Board members? Any other questions? I'm curious as to why the variance for the flag pole, if it isn't required. Maybe the city
attorney could shed some light?

MR. SCHULTZ: That's the first I'm hearing of it so I'm looking.

CHAIRPERSON GRONACHAN: Oh, okay. So should I sing? Dance? Tell a story? Give the Olympic report?

MR. SCHULTZ: How about you talk about the other?

CHAIRPERSON GRONACHAN: So we'll go to the part of the loading area.

So you're requesting to move the loading area to the other side of the building? Do I have that correct?

MR. WHITE: No. The location of the shipping is on this portion itself, but it has an east approach to it. So it's considered a side yard even though Haggerty Road is some 1600 linear feet away.

CHAIRPERSON GRONACHAN: Okay.

MR. WHITE: Just the configuration of the piece of property on 14 and M-5 and Haggerty is a unique shape. We tried to tuck the shipping/receiving up into the building so that it certainly wasn't visible from 14. And we really wanted to minimize its
visibility from M-5 so we placed it in the orientation
to place Haggerty, being the furtherest distance from
the facility, requiring a side yard variance for
receiving.

CHAIRPERSON GRONACHAN: Okay. Thank you. I
see. I was a little confused here reading this.
That's why I needed clarification. So bear with me one
moment.

MEMBER KRIEGER: May I?

CHAIRPERSON GRONACHAN: Member Krieger, yes.

MEMBER KRIEGER: So by the extreme topography
you're saying that the -- if you could explain, like,
distances between areas and altitudes and give a
visualization and that would probably help as well.

Since it looks like the addition that is
coming south for the loading area, that would also be
part of, like, the ship -- receiving part of the
shipping. So the vehicles themselves will be behind
the building and M-5 drivers won't see what's behind
the building because the building forms a facade?

MR. WHITE: That is correct. It is a
depressed shipping/receiving area. So the vehicles
will be sliding into that area coming from the east,
dropping down into the dock. So we would be well oriented to be hidden from M-5.

   Keeping in mind that, while this drawing may not be showing it, this line here, which is an existing wood lot around a sensitive wetland area is not being altered in any way or shape. So all of that existing buffer and vegetation material is remaining.

   As well, if you go to the east of the property, if you go beyond the banked parking line where my hand is -- and if you can see where Haggerty Road is -- there's a significant amount of natural vegetation that is remaining undisturbed as well in that area. So there's currently two --

   MEMBER KRIEGER: So would there be a drop? Like, if you're looking in the wintertime, you can see through. But in the summer, the trees, would they be in the same elevation as some of the building area or is it all dropping so you would see or not see?

   MR. WHITE: Well, we're not altering its topography anywhere east of the parking field that is there. So, yeah, as you know, there is a fair amount of topography going from Haggerty Road to the facility.

   MEMBER KRIEGER: Yeah. I can appreciate that
from the other surrounding neighbors.

MR. WHITE: Right. Right.

MEMBER KRIEGER: I can understand. And then you explained the flag pole as well so I would support your request.

MR. WHITE: Thank you.

CHAIRPERSON GRONACHAN: Back to me. I just want to clarify that. In the request, there is only to allow a fourth flag pole. So not two flag poles?

MR. BUTLER: Right.

CHAIRPERSON GRONACHAN: So I just want to get clearance. It's not two more flag poles. It's just actually a variance for one more flag pole?

MR. BUTLER: That is correct.

CHAIRPERSON GRONACHAN: So they can have two. Correct?

MR. BUTLER: (Nods.)

CHAIRPERSON GRONACHAN: And then you're saying that there's two more because of the size of the building?

MR. BUTLER: Yes. Because of the building they're allowed two additional. If they need two additional.
CHAIRPERSON GRONACHAN: So, in essence, there's no variance requested at this point unless the city attorney finds something different.

MR. SCHULZ: I'm still looking.

CHAIRPERSON GRONACHAN: I'm just trying to bide you time. I'm trying to stretch it.

MR. SCHULZ: You can open the public hearing.

CHAIRPERSON GRONACHAN: I'm sorry?

MR. SCHULZ: You can open the public hearing.

CHAIRPERSON GRONACHAN: Is there anyone else in the audience that wishes to make comment?

Okay. Come on up.

MR. SOSIN: Thank you.

Hi. Matthew Sosin, 39000 Country Club Drive, Farmington Hills, Michigan. I am the president of Northern Equities Groups, the owner and developer for the Haggerty Corridor Corporate Park, which is the class A office park to the south of this parcel.

First of all, I didn't receive any of the notices that were sent out for either this hearing or for the site plan hearing. I've been talking to
Charles about that. So, hopefully, we can get that straightened out.

I've reached out to the applicant at least three or four times through the City. The E-mail to their -- to Manic (ph), and I haven't gotten -- no one's called me back. So I felt like I had to come here and at least talk about this. It would have been nice if somebody had called me back.

But -- so as I'm sure you know, there is a building that site plan approved just to the south of this. It's a four-story building. It's a little less than a thousand feet to the south. The finished floor elevation is about the same. It's within four feet of the finished floor elevation of this building.

I guess I just wanted somebody to show me, given the topography -- you know, it goes down and then comes back up. You know, my building will be at least, you know, 60 feet high, if this is a four-story building. So I'm just afraid that, you know, from the top floor of that building I'll be able to see the loading dock.

I understand all the issues about the side yard and front yard on these sites. I have these same
issues. I think I have been before this board for the same variance. So I'm not necessarily saying that they shouldn't be given the variance. I'd just like -- you know, I haven't been given any information about, you know, what my site lines from the building that's been site plan approved is going to be. If the screening that is there is going to be enough. They've proposed some arborvitaes there, but -- you know, three or four arborvitaes.

And, obviously, you know, we can talk about that at the site plan approval meeting as to whether that meets the landscape requirements. But, you know, this project for us came as a surprise. There's some significant changes that will be required from our, you know, future planning. So I just felt like it was important to come and at least get on the record just to say that I would like some more information from the applicants.

And I tried before the meeting. I don't like being up here talking about somebody else's development. I think, obviously, it's a very well-known company and will be a good development here, but just would like some more information from the
applicants. That's all.

CHAIRPERSON GRONACHAN: Thank you, Mr. Sosin.

Before you go, though, I just want to clarify. Hang on one second. I just want to clarify for the record. The specifics that you're looking for is the screening?

MR. SOSIN: Yes.

CHAIRPERSON GRONACHAN: Around the loading area. That's your number one concern, correct?

MR. SOSIN: Yes. Yes.

CHAIRPERSON GRONACHAN: And what was your second concern?

MR. SOSIN: That's it. I mean, you know, this is -- there are buildings in the park that we built that have truck docks in them. Not as many as this building. So that's a little bit of a change from the -- you know, from the aesthetics of the park. So there's just a -- there's just a different type of building that's being put here than is normally done. So I'm worried about the screening, yes.

CHAIRPERSON GRONACHAN: So I'm going to break a little bit here while we're looking for this clarification on the flag pole.
MR. SOSIN: Yes.

CHAIRPERSON GRONACHAN: Can I have the petitioner come up, please?

If we called for a five-minute postponement and the two of you could step away and you could show him the plans and the explanation of addressing his concerns, we could go on to the next case.

MR. WHITE: Sure. I'd love to.

CHAIRPERSON GRONACHAN: Would you be in agreement with that?

MR. WHITE: Sure. Absolutely.

CHAIRPERSON GRONACHAN: I'm not sure why no one got contacted. And that way we can get the communication and then we'll have the flag pole resolved by that point as well.

Are the board members in agreement to that?

MEMBER NAFSO: Yeah.

MEMBER BYRWA: Yes.

CHAIRPERSON GRONACHAN: So why don't, if you could, you take the plans. You guys could go out in the hallway, if you would, and have a little conversation and that way we won't have any lack of communication or miscommunication among business owners
and good neighbors. And while we take that minute, we'll have our next petitioner come up and then we can help them and move along. How's that?

MR. SCHULTZ: Madame Chair?

CHAIRPERSON GRONACHAN: Yes?

MR. SCHULTZ: Just to formalize, a motion to table and then go on to the next case and then call them back.

CHAIRPERSON GRONACHAN: Okay.

MEMBER KRIEGER: Motion to table.

MEMBER BYRWA: Support.

CHAIRPERSON GRONACHAN: Okay. We'll see you in five minutes or ten.

MEMBER SCHULTZ: And a vote, Madame Chair.

CHAIRPERSON GRONACHAN: Oh, we have to do a vote?

MEMBER SCHULTZ: Yes. I'm sorry.

CHAIRPERSON GRONACHAN: All right. Thank you. I'm so glad Mr. Schultz is here.

All those in favor? Aye.

MEMBER BYRWA: Aye.

MEMBER FERRELL: Aye.

MEMBER KRIEGER: Aye.
MEMBER OLSEN: Aye.

MEMBER NAFSO: Aye.

MEMBER PEDDIBOYINA: Aye.

CHAIRPERSON GRONACHAN: No opposed.

All those in favor.

So our next case, PZ17-0064, Alice and Jason Bertschi. I hope I'm pronouncing that correctly.

Please forgive me if I'm not.

And it's 23661 E. LeBost, east of Meadowbrook Road and south of Ten Mile. The applicant is requesting variances for a front yard setback of 20 feet, 30 feet minimum as required by code. A rear yard setback of 32 feet. This is for a proposed garage.

Correct?

MS. BERTSCHI: That is. Attached garage.

I'm filling -- I apologize. I don't have all the paperwork. I'm filling in last minute. My builder had a medical emergency in the family come up so he asked me to come

CHAIRPERSON GRONACHAN: Before you continue.

Please state your name and spell it for our secretary.

MS. BERTSCHI: Okay. Alice Bertschi,
CHAIRPERSON GRONACHAN: Okay. And we need to swear you in.

So this secretary is going to swear you in.

MEMBER FERRELL: Raise your right hand.

Do you swear to tell the truth on the case?

MS. BERTSCHI Yes.

MEMBER FERRELL: Okay. Go ahead.

CHAIRPERSON GRONACHAN: Okay. So now, give us what you got.

MS. BERTSCHI: We need to have an addition to the house, a garage. The addition we would like to have is like 22 by 26. We had the concrete poured in October 2013 and it was 22 by 26. At that time we didn't realize our yard was setback. So we had a survey done recently and it showed that there's a ditch in front of our house and our property comes this side of the ditch, which takes away a lot of the footage, you know. So we realized that we just didn't have the footage to put that size of garage in unless we get a variance.

And we don't have a basement. So we really need the storage for the house, you know, because it
would take up clutter in the backyard or anywhere like that.

CHAIRPERSON GRONACHAN: So you don't have a garage at the current time, correct?

MS. BERTSCHI: No. When we bought the house, they had just torn down a carport that had been there. It was taken down. We had concrete poured, new concrete poured, and that was approved and everything by the City, a 22 by 26.

And the garage, we would like to have 22 by 26. Otherwise, we would have to have a smaller one put in. But the larger one would make the house look more, you know, attractive and just add extra storage for us. And it would be nice to have a two-car garage.

CHAIRPERSON GRONACHAN: I can appreciate that.

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

Seeing none, is there any correspondence?

MEMBER FERRELL: Yes, Madame Chair. There was 40 letters mailed, zero letters returned. One approval, zero objections.

The approval is from Greg M. Klaber,
K-l-a-b-e-r, 23656 E. LeBost L-e B-o-s-t, Novi, Michigan 48375.

"I reside at 23656 E. LeBost, which is directly across from the subject property. I'm familiar with the proposed building improvement from discussing it at length with our neighbor, Alice. While I understand it does not meet current setback regulations, I, nevertheless, believe it will be an improvement to the appearance of our neighborhood; and, therefore, wholeheartedly support the variance request."

That's it.

CHAIRPERSON GRONACHAN: Okay.

The City, do you have anything to offer?

MR. BUTLER: Nothing to offer.

CHAIRPERSON GRONACHAN: Okay. Thank you.

Board members?

A talkative group tonight.

Member Krieger?

MEMBER KRIEGER: I can appreciate the need for a garage, having one myself. And then also it would improve the neighborhood and values of the property to offer a garage so that, you know, if you
were to sell and someone was interested in buying it, a
garage encloses and protects your vehicle.

MS. BERTSCHI: Exactly.

MEMBER KRIEGER: And then easements, I can appreciate that as well. It's the minimum that you had, the cement slab poured where the carport was, then it's the attachment and the roof over it. That would be the most needs. I can appreciate that.

Being myself, if I wanted to do an addition, then I've got easement with Edison and the City sewer as well. So I would support your request.

MS. BERTSCHI: Great. Thank you.

CHAIRPERSON GRONACHAN: Member Peddiboyina?

MEMBER PEDDIBOYINA: Yeah. I appreciate your presentation. Are you constricting the same material or same kind of color and brick or siding? Are you constricting the same thing or any other color?

MS. BERTSCHI: Pardon? I didn't hear. The word?

MEMBER PEDDIBOYINA: The color.

MS. BERTSCHI: The color? We decided on the roof. It's the color that goes with the house. We have a brick house, but we were going to use the shade.
And I think it's like ...

Do you remember the color, Jonquil?

MEMBER PEDDIBOYINA: Is it matching the same thing?

MS. BERTSCHI: It will match the house, yes.

MEMBER PEDDIBOYINA: I have no objection.

MS. BERTSCHI: Definitely. And then we're going to do the trim of the house.

MEMBER PEDDIBOYINA: Thank you.

MS. BERTSCHI: But it's going to be, like, a light color.

FEMALE SPEAKER: It's coordinating.

MEMBER PEDDIBOYINA: I have no objection.

CHAIRPERSON GRONACHAN: Anyone else?

I live in your neck of the woods.

MS. BERTSCHI: Oh.

CHAIRPERSON GRONACHAN: So I am well aware of a one-story house with a one-car garage and no basement.

MS. BERTSCHI: Right.

CHAIRPERSON GRONACHAN: So I can appreciate a two-car garage. One of the things that I think that should be brought out for your case to help your plate,
if you will, is the odd-shaped lot.

   MS. BERTSCHI: Yes, it is.

CHAIRPERSON GRONACHAN: And that presents a
 lot of problems. And in that particular neighborhood
 there is a lot of that.

   MS. BERTSCHI: Um-hmm.

CHAIRPERSON GRONACHAN: And also in that
 neighborhood it's not likely that you have a basement
 because of the water issues.

   MS. BERTSCHI: Right.

CHAIRPERSON GRONACHAN: So there's
 topography. There's a whole list of reasons as to why
 I would support this. Given the odd shape of the
 lot.

   MS. BERTSCHI: Um-hmm.

CHAIRPERSON GRONACHAN: The need for it. And
 I think that this is a minimum request that you're
 coming before us for. So I would be in full support.
 And I would entertain a motion at this time, if anybody would have one.

   MS. BERTSCHI: My ...

CHAIRPERSON GRONACHAN: Member Olsen.

MEMBER OLSEN: Motion to approve.
CHAIRPERSON GRONACHAN: Okay. We have to add a few things to do that. So we have to -- when we're making a motion to approve on a variance, we have to list the specific reasons. And I think maybe in your folder is a guideline. We can have you take a look at this sheet.

MEMBER NAFSO: I'll go ahead and do it and then he can see how.

CHAIRPERSON GRONACHAN: Member Nafso will help you out there.

MEMBER NAFSO: All right. Let's see.

I move that we grant the variance in case number PZ17-0064, sought by Alice and Jason Bertschi (sic).

Did I say that right?

MS. BERTSCHI: Bertschi.

CHAIRPERSON GRONACHAN: Bertschi.

MEMBER NAFSO: For a variance from the Novi section -- code of ordinance section 3.1.5 for a front yard setback of 20 feet, 30 feet minimum setback required by code. And rear yard setback of 32 feet, 35 feet minimum setback required.

The setback is for a proposed garage.
property is zoned residential R-4.

Because petitioner has shown practical difficulty. Without the variance, the petitioner will be unreasonably prevented or limited with respect to the use of the property because the applicant would be limited to a carport of sorts and not a full garage.

In addition, it's a one-story structure. There's a lack of storage causing severe limitation. There is a necessity to have that storage. The property is unique because it is a corner lot and the way the lot is laid out, certain angles are simply closer to the road. It's really hard to put a garage anywhere on the property without it being less than the minimum setback requirement.

The petitioner did not create the condition. It's something that it's a limitation that existed in the property, and the relief granted will not unreasonably interfere with adjacent or surrounding properties because it doesn't -- simply doesn't infringe on anyone else's property rights or anyone else's use or enjoyment of their property.

The relief is consistent with the spirit and intent of the statute. Again, really, for a lot of the
reasons -- I'm sorry. With the ordinance. I'm sorry.

For a lot of the reasons already stated, but simply the ordinance is not meant to prevent a lot that is shaped in the way that this one is shaped from having a garage.

I have nothing further.

MEMBER KRIEGER: Second.

CHAIRPERSON GRONACHAN: It's been moved and second. Anything further?

Katherine, would you please call the roll.

MS. OPPERMANN: Member Byrwa?

MEMBER BYRWA: Yes.

MS. OPPERMANN: Member Ferrell?

MEMBER FERRELL: Yes.

MS. OPPERMANN: Member Gronachan?

CHAIRPERSON GRONACHAN: Yes.

MS. OPPERMANN: Member Krieger?

MEMBER KRIEGER: Yes.

MS. OPPERMANN: Member Olsen?

MEMBER OLSEN: Yes.

MS. OPPERMANN: Member Nafso?

MEMBER NAFSO: Yes.

MS. OPPERMANN: Member Peddiboyina?
MEMBER PEDDIBOYINA: Yes.

MS. OPPERMAN: Motion passes.

CHAIRPERSON GRONACHAN: Your variances have been granted. Congratulations and good luck.

MS. BERTSCHI: Thank you so much. That's wonderful. Thank you so much.

CHAIRPERSON GRONACHAN: You're welcome. Tell your builder I'd hate to see you with a hammer if you did this well tonight.

MS. BERTSCHI: I'm telling you. I'm 75 and I still get out there with my tools.

MEMBER KRIEGER: Oh, sweet.

CHAIRPERSON GRONACHAN: Well, good luck to you.

MS. BERTSCHI: My son lives in California and he bought the home for me to live in. So he's the one that is taking care of all this. But we have a great builder and it's going to look beautiful when it's done. Thank you so much.

CHAIRPERSON GRONACHAN: Congratulations.

MEMBER BYRWA: Good luck.

CHAIRPERSON GRONACHAN: We'll be driving by and taking a look.
Have a good evening. Be careful going home.

Okay. If somebody would like to go tell the previous case that they can return.

(Pause.)

MR. SCHULTZ: While they're entering the room still. So everybody was right. Mr. Butler was right, the note from the Planning Department is right and the applicant is right. It's just a question of how you read -- where you put the commas in what is in front of you. So they're permitted. The United States flag, which is one of their flags, that's excluded. So there's one.

CHAIRPERSON GRONACHAN: Okay.

MR. SCHULTZ: They are then allowed two additional flag poles. So it is the fourth flag pole --

CHAIRPERSON GRONACHAN: That they need the variance for?

MR. SCHULTZ: -- that they need the variance for.

CHAIRPERSON GRONACHAN: Okay. So our paperwork was right. So it's actually the fourth and not two more?
MEMBER NAFSO: It's a sign?

MR. BUTLER: Sign, yeah.

CHAIRPERSON GRONACHAN: What was your question?

MEMBER NAFSO: It's a sign ordinance.

MR. SCHULTZ: Yeah. And I'm sorry. In response to Member Byrwa's comments, the height is 65 feet.

MEMBER BYRWA: 65. Thank you.

CHAIRPERSON GRONACHAN: 65 feet.

Okay. Would the petitioner like to approach and bring us up-to-date?

MR. WHITE: (To Mr. Sosin) I don't want to speak for you, but come on up here and join me. I think we had a productive, quick five-minute session there. I think we're beginning to understand the issues at hand.

MR. SOSIN: I think I'm comfortable that the applicant, you know, will get me some sections on, you know, the views from the building that have been approved and that -- you know, that at site plan approval, we can talk about the landscape plan and if there is any additional screening that can be added.
And they're going to try and reach out to their client and see if we can set up a meeting so that we can all talk. Which is what I wanted in the first place. So I appreciate that.


MR. SCHULTZ: Madame Chair?

CHAIRPERSON GRONACHAN: Yes.

MR. SCHULTZ: So, just for clarification. Next week this is going to the Planning Commission. One of the things that the Planning Commission will look at is specifically the landscaping in the area where Mr. Sosin is concerned about.

CHAIRPERSON GRONACHAN: Okay.

MR. SCHULTZ: There's a waiver required. Right now the planning staff is okay with it, but this will give them an opportunity now to have more conversation about it at the staff level and with the applicant. So it will get addressed.

CHAIRPERSON GRONACHAN: Okay. Thank you for that. So it's all good.

Is there any further discussion from the board members at this point? Any other questions?
MEMBER BYRWA: No.

CHAIRPERSON GRONACHAN: I will entertain a motion at this point.

I realize that you all want to do it, but I can only pick one of you to make the motion.

MEMBER NAFSO: I've already had one.

CHAIRPERSON GRONACHAN: I think it's Member Nafso, he wants to do another one.

MEMBER NAFSO: NO.

CHAIRPERSON GRONACHAN: Okay. Member Krieger.

MEMBER KRIEGER: I move in case number PZ17-0063, Berkshire eSupply, west of Haggerty and south of 14 Mile, the applicant's request for the loading area in the side yard, as explained, and in the interior yard up to a total ratio of five square feet per front foot of building to a total square area of 360 square feet per building.

And for the installation of the fourth flag pole as requested. Two additional allowed by code. So the fourth one is the request since the American flag is by right. And then as per ordinance, the 65 max height on a flag pole.
The applicant also, regarding the landscaping, to review for area and topography dealing with the heights and neighbors, the visualization since it's complicated with the topography and shape of the area, to have enough landscaping or buffer area for neighbors.

That without the variance, the petitioner will unreasonably be prevented and limited from the use of their property because of said topography of this area on 14 Mile between M-5 and Haggerty. That the property is unique because of the different heights and difficulty in landscaping with the winter and summer seen through the area and loading area, that not to have as much visualization toward M-5 or Haggerty or neighbor to the south.

The petitioner did not create the condition because of the area. The relief granted will not unreasonably interfere with adjacent or surrounding properties because, as discussed, they will meet regarding the topography for the southern loading area for sounds, light at night or et cetera.

The relief is consistent with the spirit and intent of the ordinance because the petitioner has put
in a -- their request to be close to what the city ordinances are.

MEMBER FERRELL: Second.

CHAIRPERSON GRONACHAN: It's been moved and second. Any further ...

MEMBER KRIEGER: Yes.

CHAIRPERSON GRONACHAN: City attorney?

MR. SCHULTZ: Just one item, a condition, since this has not yet gone to the Planning Commission.

CHAIRPERSON GRONACHAN: Okay.

MR. SCHULTZ: Just that the variances be conditioned upon Planning Commission granting site plan approval for the overall site plan.

MEMBER KRIEGER: Yes.

MR. SCHULTZ: Okay. Thank you.

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

Seeing none, Katherine, would you please call the roll?

MS. OPPERMAN: Member Byrwa?

MEMBER BYRWA: Yes.

MS. OPPERMAN: Member Ferrell?
MEMBER FERRELL: Yes.

MS. OPPERMAN: Member Gronachan?

CHAIRPERSON GRONACHAN: Yes.

MS. OPPERMAN: Member Krieger?

MEMBER KRIEGER: Yes.

MS. OPPERMAN: Member Olsen?

MEMBER OLSEN: Yes.

MS. OPPERMAN: Member Nafso?

MEMBER NAFO: Yes.

MS. OPPERMAN: Member Peddiboyina?

MEMBER PEDDIBOYINA: Yes.

MS. OPPERMAN: Motion passes.

MEMBER KRIEGER: Congratulations.

MR. WHITE: Thank you.

CHAIRPERSON GRONACHAN: Congratulations.

Your variance has been granted. It's always good to be a good neighbor. So good luck to you and we wish you the best.

MEMBER KRIEGER: And welcome to Novi.

CHAIRPERSON GRONACHAN: Yeah.

MR. WHITE: Thank you.

CHAIRPERSON GRONACHAN: You're welcome.

Is there any other discussion for the board
this evening?

MEMBER KRIEGER: Welcome to Member Olsen.

MEMBER FERRELL: That's what I was going to say. Second.

MEMBER KRIEGER: I was there before.

CHAIRPERSON GRONACHAN: So we would like to welcome our alternate, Sam Olsen.

And next month we will have a full board, I'm hoping. So I've asked Katherine in Chairman Mav's absence to get the election ready. So everybody think about what position you would like to volunteer for, for the board.

MEMBER NAFSO: It's already that time.

CHAIRPERSON GRONACHAN: I'm sorry?

MEMBER NAFSO: It's already that time.

CHAIRPERSON GRONACHAN: It's already that time. Yes. I count to the days.

So I'm hoping that all of you will seriously consider the positions.

Is there a motion to adjourn?

MEMBER KRIEGER: I move to adjourn.

MEMBER BYRWA: Second.

CHAIRPERSON GRONACHAN: All those in favor.
Aye.

MEMBER BYRWA: Aye.

MEMBER FERRELL: Aye.

MEMBER KRIEGER: Aye.

MEMBER OLSEN: Aye.

MEMBER NAFSO: Aye.

MEMBER PEDDIBOYINA: Aye.

CHAIRPERSON GRONACHAN: Meeting adjourned.

(At 7:39 p.m., meeting adjourned.)
CERTIFICATE

STATE OF MICHIGAN)

COUNTY OF OAKLAND)

I, Darlene K. May, do hereby certify that I have recorded stenographically the proceedings had and testimony taken in the above-entitled matter at the time and place hereinbefore set forth, and I do further certify that the foregoing transcript, consisting of forty-one (41) typewritten pages, is a true and correct transcript of my said stenographic notes.

/s/ Darlene K. May
Darlene K. May, RPR/CSR-6479

February 23, 2018
(Date)