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10-13-15

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1 ZONING BOARD OF APPEALS
2 CITY OF NOVI
3 COMMUNITY DEVELOPMENT DEPARTMENT
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5 IN RE:
6 CITY OF NOVI ZONING BOARD OF APPEALS
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9 The Zoning Board of Appeals Meeting
10 Taken at 45175 West Ten Mile Road
11 Novi, Michigan
12 Commencing at 7:00 p.m.
13 Tuesday, October 13, 2015
14 Before Suzanne M. Green, CSR-3887
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16
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18 CHAIRPERSON: Cynthia Gronachan
19 David M. Byrwa
20 Rickie Ibe
21 Linda Krieger
22 Mav Sanghvi
23 Jonathan Montville
24 Christopher Gruba, Planner
25 David W. Gillam, Attorney
26 Stephanie Ramsay - Recording Secretary
27
28
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1 Novi, Michigan
2 Tuesday, October 13, 2015
3 7:00 p.m.
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5 MS. GRONACHAN: I’d like to call to
6 order the October 13th Zoning Board of Appeals
7 meeting to order.
8 Please all stand for the Pledge of
9 Allegiance. (Pledge of Allegiance recited.)
10 Miss Ramsay, would you please call
11 the roll.
12 MS. RAMSAY: Member Ferrell is
13 absent excused.
14 Member Ibe?
15 MR. IBE: Present.
16 MS. RAMSAY: Member Krieger?
17 MS. KRIEGER: Present.
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MS. RAMSAY: Member Sanghvi?
MR. SANGHVI: Yes, here.
MS. RAMSAY: Member Byrwa?
MR. BYRWA: Here.
MS. RAMSAY: Member Richert is absent excused.
Member Montville?
MR. MONTVILLE: Here.

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MS. RAMSAY: And Chairperson Gronachan?

2
MS. GRONACHAN: Present.

3
The Zoning board of Appeals is a hearing body empowered by the Novi City Charter to hear appeals seeking variances from the application of the Novi Zoning Ordinance. It takes a vote of at least four members to approve variance request and a vote of the majority of members present to deny a variance. This evening with our alternate, Mr. Montville, we do have a full board.

4
In the back of the room there is a list of rules and regulations, rules of conduct that we adhere to during the running of this meeting. We ask now that everyone please shut off your cell phones during the meeting.

5
For tonight's agenda there is a change. Case number 1, Citygate, is postponed until--

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MS. RAMSAY: We don't have a date yet.

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MS. GRONACHAN: Indefinite?

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MS. RAMSAY: It will probably be December or January 'cause they have to go before the Planning Commission again.

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MS. GRONACHAN: Okay. Thank you.

3
All those in favor of the agenda as stands? (All stated aye.)

4
MS. GRONACHAN: The agenda for this evening has been approved.

5
There are no minutes for review by the Board, and if there's anyone in the audience at this time that wishes to make
comment in regards to a matter that is not before us this evening can come forth now. Is there anyone that wishes to make comment other than to the cases? Seeing none, we'll move forward and call case number 2, Kroger Fuel Station, case number PZ15-0034, Matthew Pisko on behalf of the Kroger Fuel Station at 47580 Grand River Avenue, north side of Grand River and west of Beck.

Sir, are you an attorney? Would you please raise your right hand and be sworn in by our secretary.

THE WITNESS: Most certainly.

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MARGARET PISKO was thereupon called as a witness herein, and after having first been duly sworn to testify to the truth, the whole truth and nothing but the truth, was examined and testified as follows:

MS. GRONACHAN: Would you please state your name and spell it for our recording secretary.

MR. PISKO: Matthew Pisko, M-a-t-t-h-e-w, P as in Paul, i-s-k-o. And to the Chair's question, I am not an attorney.

MS. GRONACHAN: Thank you. You may proceed.

MR. PISKO: The petition before this evening for three variances, I've got before you an illustration showing the existing, for context, the existing shopping center at Grand River and Beck. I've clicked through the next picture so you can see, if this shopping center right now has angle parking that moves across, has a large island here, and we're going to propose a fuel station in this area right here. Wholly within an existing shopping center, no curb cuts, and where some of the limitations come into play. Here is the proposed location, and you can see essentially we straightened out the aisles as they move, came across, to
encourage a more appropriate parking movement through here and the fuel station.

Adjacent to the Staples building, which was essentially a small pad sight, we essentially had parking and a pedestrian destination and essentially connected sidewalks all the way across the complex. So as opposed to using a new fresh hard corner, Kroger's philosophy and the fuel station is to have it adjacent to or in the parking lot of their grocery store.

Unlike Costco, it isn't a club that you have to be a member of to buy Kroger fuel, so we have essentially two customer bases. We have the public that we can sell to that have, you know, would be interested in the street price like any other patrolling marker, and then we have cross merchandising with the grocery store where there's a discount granted for each hundred dollars that's spent within the grocery store, equates to a ten dollar discount up to 30 gallons.

Moving across illustrations is, if I can get the mouse back here, we've erected a mock sign on the property. I don't know if you've all had an opportunity to see that or not, little wonky (sic) in when it was placed, sign manufacturer was great in building a sign appropriate for what we're proposing but they kind of missed their destination. It's actually in a small gap in front of the pine trees, but that is essentially what the sign would look like. And herein lie our variance requests: There were three. If we were a stand-alone parcel on a corner or like we were at our other site in the city, by right we would be allowed a fuel price sign on the street. This is very akin to that. It's completely compliant within the ordinance for size, it's just we're not allowed to have it because we are a unit within an existing condo development. And then the further complication as far as variances go is that we're not allowed to have signs of any kind on the canopy itself, whether it be for branding.
or for pricing, which would be for the benefit of people within the shopping center. So I'm going to essentially try and go through my--

When this site was originally developed as a condominium they had a far larger gas station on the corner that had its own dedicated sign. We're trying to shift it within, wholly within the existing shopping center, which varies it behind a very mature berm and all the trees that come across, and we're going to further augment those trees in both under canopy trees, and if you can imagine this line of trees that you see, the 11, are 11 additional trees that we're going to be adding to the right-of-way.

So here comes the variance request. We're requesting a variance to have this sign shown as it is mocked that shows a very small Kroger logo and the two product price signs, and we're proposing a sign on the canopy, which I'll show you in elevation for the benefit of the Kroger stores. So the Kroger shoppers coming out of the grocery store, they can look at the fuel canopy, they accumulate points as they shop, they can walk out, because this sign would be invisible to them because you'll be between the interior landscape buffer and the street so the signs really are distinctly separate, and whether or not the sign we are proposing on the canopy constitutes being a sign, because it's not visible from the street. Let me see if I can get you that.

Here's a perspective rendering of the canopy. Now, if you can imagine here's the existing Staples store. Here's the three product price sign. There isn't anything that identifies it as a Kroger but it does identify it as these are what the commodity prices are like any other traditional gas station, so for the benefit of people within the parking lot that would be coming from the grocery store. And then here again is the mockup of the sign that's at the street which does not have the benefit of the new canopy trees.
If you can imagine along this entire boulevard there's going to be 11 new canopy trees installed with just—we just got the permit from the Oakland County Road Commission. That was in contention because this is intensely landscaped, which essentially blocks view into where the fuel station is, and from a marketing standpoint we're going to further complicate that by loading up this right-of-way with trees as well.

As far as the ordinance criterion hardships 1 through 5, the five criterion, from the street there's no visibility, there's no signs on the canopy, and we're as a business are completely screened by the existing mature and proposed canopy trees. As a tenant in the existing condominium project, if we were an independent parcel we would be allowed to have the sign by right. In this circumstance we have to request a variance.

Large issues, as a seller of a commodity and gasoline and diesel, street price signs and signs are part-and-parcel with the business, so essentially we've gone through the planning approval process, we're at the—we've got the final sampling set sign, we have a pre-construction meeting tomorrow. We actually have no way to advertise what our business is, so that's the issue here.

The signage is actually quite a bit smaller than the monument sign we have for other Kroger fuel station across town. And as far as insubstantial or substantial to have justice, we don't see that this can be harmful in any way, shape or form to any of the adjacent property owners. It's directly in front of the proposed fuel station.

And with that I have lots of renderings and would be glad to answer any questions, comments or concerns you may have.

MS. GRONACHAN: Okay. Thank you.

Mr. Secretary, is there any correspondence in regards to this case?
MR. IBE: Madam Chair, in this particular case, in fact what is mailed, (unintelligible) that is received.

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

Seeing none, Building Department, this evening I would like to introduce Christopher Gruba, he's filling in for Mr. Willard this evening. Welcome.

MR. GRUBA: Yes, thank you.

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MS. GRONACHAN: Do you have anything to enlighten us with this evening?

MR. GRUBA: No comments about this, but if you have questions--

MS. GRONACHAN: Thank you. Board members.

MR. MONTVILLE: Madam Chair, I guess my first thought is--

MS. GRONACHAN: Member Montville.

MR. MONTVILLE: Thank you.

With the additional signage and the one major target consumer market for the fuel station is the shoppers at the Kroger gas station, with the existing landscaping, and of course I open this for further conversation, but I understand the need for the second sign. I'm open for further discussion with board members at this time.


MS. KRIEGER: Question. On the packet we have in our computer and what you showed us up there, it looks like two changeable signs and what the ground sign and the canopy sign, so is that what you're looking for?

MR. PISKO: That's correct, and that's a third variance which I omitted to mention. We're only proposing two price signs on this one applicator, people that are driving down the street, the one on the canopy and I'll get to that, has three--you are not allowed to have changeable copy on this. Not
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only can you not have a brand identity on a
canopy, you can't have changeable copy. All
we're asking for is the changeable copy
portion which is three product price signs
which would be diesel, regular and premium,
and these are strictly for the benefit of
people coming out of the Kroger store after
they grocery shop, they can see across the
parking lot that there's regular, mid grade
and diesel.

So there's three on the canopy, two
on the street, 'cause we have to—in order to
comply with the spirit of the ordinance, we're
not allowed the sign by right, that's why
we're here, but as far as if we were allowed
by right we wouldn't want to go any further in
size, so from a bulk regulation standpoint
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what we're asking for is completely compliant
if we were a separate parcel.

MS. KRIEGER: Okay. And is Staples
a part of Kroger's, that land site, or is that
leasing, or is it all from a separate owner?

MR. PISKO: There is a quid pro quo.
Kroger did purchase that triangular piece of
property and it's not going to be developed as
another store. We use the parking that would
have been used for that to be adjacent to
Staples for their benefit. We added the
pedestrian destination, the bike racks and the
trees just so that we could offset the
parking, and how we reconfigure the parking
from an angle to straight-on parking. So it
was purely the parking lot isn't going to take
the brunt of needing additional parking
because we're not developing a building, well,
we're not developing a building which will
make the parking more efficient.

MS. KRIEGER: Thank you.

MS. GRONACHAN: Thank you. Anyone
else? Member Sanghvi.

MR. SANGHVI: Thank you. How you
going to be traffic flow to this gas station
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in the current setup?

MR. PISKO: You know what, believe
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it or not, we have very, very bright
customers. This isn't an underutilized
portion of the store. In our research and
Kroger's research in particular, this is
definitely the tail of the dog. This is
another category within the grocery store like
a deli, a bank or coffee or produce. This is
something that is absolutely convenience
driven, and to build a relationship between
our customers and there, so they put it off in
this part of the parking lot that is least
used but accessible.

From a pedestrian standpoint we've
connected all the areas so people can walk
around it. From a vehicular standpoint, kind
of--I'll go to the overall site plan here. We
straighten out all those odd angle parking so
it's a much more traditional serpentine path
through the parking, but we installed an
island here that essentially isolates the use
so people have a psychological break that
will--right here's a landscape island. This
is a different use, and although the canopy is
earth tone and it's kind of transparent, it's
difficult not to see it. It's transparent but
people are well aware that there's another
activity occurring in the parking lot. We
allow folks to approach in either direction to
the fuel pumps and there's enough fueling
stations that people can navigate around the
site. We have more than adequate aisle ways
all the way around, so we don't anticipate
volume-wise or congestion-wise any issues.

MR. SANGHVI: Thank you.

MS. GRONACHAN: I have a couple of
questions.

MR. PISKO: Okay.

MS. GRONACHAN: What made you decide
which side of the canopy to put it on? In
other words, you have it to the west. Is
there a particular reason why it was not--why
it would not be on the east? So as you're
coming into the parking lot you would be able
to see the prices?

MR. PISKO: We put it on the west
side and there is a thought behind it.
People, as they go in and they grocery shop, they may have accumulated enough points to get the discount when they leave, and as they leave the store they see the number versus the number when they come in and it's an errant thought after the grocery shopping so it's strictly for traffic pattern. People typically don't go to the fuel station first, then go grocery shopping. It's the inverse relationship. They grocery shop, accumulate points, they come out and they have the advantage of seeing the price sign at that point in time.

MS. GRONACHAN: Okay. My second question is, anywhere else on this structure it does not say that it's a gas station other than you see the pumps. There's no other Kroger insignia, a there's nothing else to indicate that this is—

MR. PISKO: A Kroger fuel station, you have a heavyset Kroger guy doing cartwheels but it does not.

MS. GRONACHAN: Thank you. I'm going to make some comments for the benefit of the Board, and this is my thought. I'm not able to support the ground sign, and the reason being is because the petitioner basically just said that this is a destination gas station. People come there, they're going to Kroger and they're going to buy gas. They're going to learn what the price is, basically, this is not your regular driving down the road, finding I need a gas station to fill up with gas. It's more of a destination specific to get the discount. That's where I'm going with this.

When I went by on Sunday, even with that sign there you could barely see it, and it's a shame that they put it in the wrong place, but then even if you move it to that bare spot—and if you could put that other picture back up for me, please, where you have your mock sign, with those trees in there I'm not convinced that you're going to be able to
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see it after those trees are there, so my
thought is I would support the canopy sign on
the building itself only for based on what the
petitioner has already told us. However, I
would suggest that the petitioner wait on this
ground sign to see how business goes, and if
they decide that it really isn't working and
that it's because of lack of identification,

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then my recommendation would be to come back.

And I don't know where I am with
that, if that's allowed or not, and I'm
looking at the city attorney who can bail me
out if he wants, but that's where I'm headed
with this. I'm not supporting the ground sign
because I don't believe you're going to be
able to see them, and based on what I just
said about that this is a destination shopping
gas station, and I was trying to remember if
there was a ground sign in the Kroger station
in South Lyon at Pontiac Trail and Eight Mile,
'cause I couldn't remember.

MR. PISKO: There is, and there are
canopy. And if I've overstated-

MS. GRONACHAN: (Interposing) Just
hang on one second, I appreciate that.

So if anybody else has any thoughts?

Member Montville.

MR. MONTVILLE: I just have a
question for the petitioner. Do you know the
percentage--I understand the Kroger points and
that's a (unintelligible) for your Kroger
customers, but with your other fuel stations
do you know what the percentage of people that

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use Kroger points and then just consumers
coming down the street?

MR. PISKO: Unfortunately those
aren't numbers that are accumulated, but we
generate a lot of business from the street. I
didn't mean to say that everything comes from
the grocery store. And as far as if--I blew
this picture up. If you can remember, down
the street west here there's an Applebee's
sign. That's what we envision the sign being,
when we talked to Mr. Beder (ph) about how we
configure that sign, so it is visible and this is what we anticipate it being, because really drawing people from the street is part of our business too. It's a convenience for our customers as they exit, which by no stretch of the imagination is that our only business. We pull off the street like Speedway or anybody else.

MS. GRONACHAN: Anyone else? Member Ibe.

MR. IBE: Madam Chair, I appreciate your comments regarding these ground sign. One I did have an issue/concern about this particular applicant's case, but the more I think about it, and I'm thinking that if this is geared towards the patrons that come to the Kroger store alone, then I think the applicant stands to lose from any kind of investment that he's made here. I'm quite sure that the purpose of that ground sign that the applicant is asking for is to steer customers who would drive eastbound on Grand River, they would see it. And I know I drive down this place I don't know how many times in a day, and I know the only other gas station around there is a Shell gas station right before you hit the freeway, which is pretty good if you're going north on Beck Road, but if you're going east, if you pass it on—that is on Novi Road and next point is on Wixom Road, so there's a good possibility that it may actually draw to patrons who go down that way, and only way to see that there is a gas station there is if there is some kind of signage.

And while the--I'm sure the Kroger's understand that the canopy tree that will be planted is probably gonna shield that sign, well, I'm quite sure that it's something that they thought about and probably will find a way to make that sign visible.

Strictly if I were to vote on this right now I would probably be in favor of this, considering that there are sufficient practical difficulty that would make it easier
for me to feel comfortable with my vote for this particular applicant. I think that while I'm not a big fan of extra signage, this particular one here reminds me of the, I think Sam's, does Sam's have a gas station, and I think there's a sign out there, not down on the street but inside of the--when you pull up, you know, into the sub is where you have the sign, right?

MS. KRIEGER: I can't remember.

MS. GRONACHAN: I don't think so.

There are signages inside the store.

MR. IBE: There's no on the outside that tells you the price of the gas?

MS. GRONACHAN: No, because you've got to be a member at Sam's in order to buy their gas, it's not open to the public.

MR. IBE: Well, obviously, sir, it's your filling station. Is it open to the public?

MR. PISKO: It most certainly is.

And something I may have been less than good at explaining is this is an earth tone canopy that is behind a forest of trees. No one will know it's there as far as the motoring public that's driving past the site, so those folks, if they don't see a sign in the beltway they are just gonna go by us so--

MR. IBE: And since it's open to the public, I think you pretty much make it easy, it's not a members-only filling station?

MR. PISKO: No.

MR. IBE: And I shop at Kroger's all the time, so I guess if the price stay the way on the mock sign it would be great, by the way, but--I know that's not gonna happen, but anyway, that's my comment. But actually I will support this. Thank you.


MR. SANGHVI: I'd like you to show again the position location of the ground sign which is closest to the entry to the complex.

MR. PISKO: As is often the case--

MR. SANGHVI: On the east side of

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the--then where the traffic light is.

MR. PISKO: Bear with me, I'm having problems opening, for whatever reason the format has changed on your viewer. See if I can get it to open. It's not very--okay. This picture, you're asking where the sign is in relation to-

MR. SANGHVI: The ground sign is.

MR. PISKO: This is--this is the proper location we are showing the sign.

MR. SANGHVI: The point I want to make, that ground sign is west of the entrance into the--that complex there.

MR. PISKO: Yes, yes, it is, but it's not far enough away that people won't see it before they have the opportunity.

MR. SANGHVI: Driving along going west on Grand River, you are already past the entrance to the gas station before you see this sign, so is it not necessary or the location is wrong, it should be on the other side if you want to put it of that entrance so that people know that's where you go.

MR. PISKO: We may have moving east or west along the frontage of the fuel station, which is a separate unit within the condo development. I don't think we are going to be able to move it to the east side of that approach.

MR. SANGHVI: 'Cause if I am driving along Grand River I already passed the entrance to your gas station before I see the sign.

MR. PISKO: Yes, and then there's another opportunity for them to enter the shopping center further west, if that's what you're--

MR. SANGHVI: Okay.

MR. PISKO: Thank you. So they have a chance to come back around.

MR. SANGHVI: Doesn't make sense to me anyway. Thank you.

MS. GRONACHAN: Anyone else? Member Montville.

MR. MONTVILLE: I just have one more
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comment too. I'm sure your gas station will be a very nice gas station, but it is a commodity business and the price of the commodity that they're offering is a main attraction to drivers coming down the street.

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and also their customers, both Kroger shoppers and the general public, which percentage is, I'm sure it's a significant part of their business, so I'm with member Ibe, I'm willing to support the variances as they've been requested in this particular circumstance.

MS. GRONACHAN: Thank you. Anyone else?

MS. KRIEGER: Is there any way you can put the ground sign not on the east side of the entrance but right on the exit that's still on the property?

MR. PISKO: At somewhere here, I see, here you're saying further-

MS. KRIEGER: Yes. Exactly.

MR. PISKO: Yeah, I think, yes, we can move it along that without any issue.

MS. KRIEGER: 'Cause when you look at any gas station, they're usually on the corner or where there's a curb cut and you can get into it, so it would probably be, as member Sanghvi said, easier for people who are just driving by to see it instead of trying to go to the light and trying to make their way back to it.

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MR. PISKO: Okay, we will take that into consideration and move it to the east, just from a bulk standpoint we're behind where we need to be to comply.

MS. KRIEGER: Thanks.

MS. GRONACHAN: Member Byrwa.

MR. BYRWA: That gives me a delicate situation when you start locating signage at the corner of ingress and egress, and there was years and years ago before the electronic age with gas station signs, they used to have these at a gas stations, they were like about four foot square blocks and they locate it right at the corner. Well, what happened in
one case is there was somebody killed because there was a vehicle obstruction, they couldn't see the traffic flow and they pulled out, somebody got killed, and it kind of revolutionized signage at corners and gas station signs, and if they are at an intersection there has to be a free clear elevated off the ground to not create a vehicle obstruction or free clear.

MS. KRIEGER: I'm sorry, similar to Applebee's. Applebee's is where the light's...

at and they're on the corner, so why can't they do something similar?

MR. BYRWA: Well, the only thing, it would have to be approved and reviewed by, and we're not talking--we're still maintaining out of the right-of-way on this.

MR. PISKO: Yes, and we would keep it--we're obligated to keep it out of clear vision so we would move it as far as we could because size are the only one allowed within the city, so Applebee's and ours are very similar in size and scope.

MR. BYRWA: Okay.

MS. GRONACHAN: All right. Did you have something more, member Sanghvi? Member Brywa, did you have anything else?

MR. BYRWA: Not at all.

MS. GRONACHAN: I appreciate everyone's comments, and I agree with member Sanghvi, although I do understand both member Montville and member Ibe's comments, I can appreciate that this sign, because we are granting a variance, needs to serve a purpose. And so I don't know, can we move a sign? I'm going to address the Building Department and city attorney all in one fell swoop. Can we change the location or does this have to be tabled or--

MR. GRUBA: Well, I'm looking at Section 5.9 in the zoning ordinance, clear vision triangle at the point of the intersection from the right-of-way Grand River to either the right-of-way of the entrance or
the edge of the curb, 25 feet up Grand River
to the west and then 25 feet north, and then
you create kind of a triangle with that area,
so you could bring it a little bit closer but
as long as you're outside of that.

MS. GRONACHAN: So if we go to
approve this with that stipulation, or would
we have to table this until we get that to see
if we can go into that location?

MR. GILLAM: I think if you're
comfortable with the idea that the sign would
be as close to the entrance as possible and
still comply with clear vision and all other
ordinance requirements, that can be a
condition of your approval.

MS. GRONACHAN: Okay.

MR. GILLAM: If you prefer, the
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issue could be tabled and there could be a
specific review by Planning and Engineering
but that's at the Board's discretion.

MS. GRONACHAN: Thank you. Okay.
And in that, does anyone--would anyone like
to--member Sanghvi.

MR. SANGHVI: I just had a question
for the city attorney, whether we are making
two separate resolution, one for the canopy
sign at the gas station itself and the ground
sign because we are discussion is about the
difference opinion is about the ground sign
and not the other sign.

MR. GILLAM: There are actually
three variance requests that are in front of
you, so my recommendation would be to make
three separate motions, one on each of the
variances.

MS. GRONACHAN: Okay. So let's do
this. Why don't we, if I can, if I will, jump
to the variance number two. Would anyone like
to make a motion for number two request, the
variance to allow the canopy signage and
include, if you will, that it has to also have
changeable copy. Is that correct? Is that

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correct, that the canopy sign also has to have
a variance for the changeable copy?
MR. GRUBA: Yes.

MS. GRONACHAN: So the motion maker needs to include that for the canopy sign and for the changeable copy for that specific canopy sign. Anybody up for that?

MR. MONTVILLE: Just seems to me we are trying to merge two and three. Changeable would be for the third request.

MS. GRONACHAN: Well, the changeable is also for the ground sign is going to be changeable, is it not? So we need a variance for that, so that's why I said just go for two and include your verbiage on changeable for the canopy sign.

MR. MONTVILLE: Okay.

MS. GRONACHAN: 'Cause then when we address variance one and three, that's strictly for the ground sign and that will include the changeable for the ground sign. Okay?

MR. MONTVILLE: I'll proceed to make a motion at this time.

MS. GRONACHAN: Okay. Thank you.

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MR. MONTVILLE: I understand. Prepared to make a motion at this time for specifically in reference to variance request number two, I move that we grant the second variance request in case PZ15-0034, request by Matthew Pisko on behalf of the Kroger Fuel Station. In this particular variance request the petitioner has shown the practical difficulty requiring additional signage to the western front of the gas station in particular because of the entrance to the Kroger shopping center and the target market, one of the target markets for this particular business being the shoppers at that location. Without this variance request the business would have limited access to that consumer market. This property is unique because it's in an existing shopping retail center. As the petitioner mentioned, this was a stand-alone location, this would not be a required variance request. For the same reason the petitioner did not create this condition, like I said, it's an existing retail location. The variance and
the relief granted in this particular request will not interfere with any adjacent or
surrounding properties, as it is just one additional sign on the particular unit, and
the relief is consistent within the spirit and intent of the ordinance. Due to the size of
the signage within the past ordinance and the ordinance as it is written now, and then I
would also add in this particular variance request that we include the condition that
this additional sign be a changeable copy sign on the unit.

MR. BYRWA: Support.
MS. GRONACHAN: So it's been moved and support. Any further discussion?
Miss Ramsay, would you please call out the roll.

MS. RAMSAY: Member Ibe?
MR. IBE: Yes.
MS. RAMSAY: Member Krieger?
MS. KRIEGER: Yes.
MS. RAMSAY: Member Sanghvi?
MR. SANGHVI: Yes.
MS. RAMSAY: Member Byrwa?
MR. BYRWA: Yes.
MS. RAMSAY: Member Montville?
MR. MONTVILLE: Yes.

MS. GRONACHAN: Okay, so we got that out of the loop so let's now move to the
ground sign, and for review the variance for the ground sign first is the variance for the
ground sign plus it's also the changeable copy. So any further discussion or does
someone want to make a motion?
MR. MONTVILLE: Just for one more verification, so are we--does this include the
changing the location of the sign?
MS. GRONACHAN: That's going to be your call when you make the motion.
MR. MONTVILLE: Okay. In this
particular instance I'll refrain from making a motion.

MS. GRONACHAN: Where is he? He's sitting there, ain't going anywhere.

MR. MONTVILLE: I refrain in this instance.

MS. GRONACHAN: Anyone else? Member Ibe.

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MR. IBE: Okay. I will put on my--(unintelligible) here.

MS. GRONACHAN: Okay. My pleasure.

MR. IBE: In case number PZ15-0034 sought by the applicant on behalf of the Kroger Fuel Station company, I move that we grant the variance requested for the second single ground sign and to allow for changeable copy signs on the ground sign because the petitioner in this case has shown practical difficulty requiring the approval of the variance. First the petitioner has demonstrated that if this sign is not approved the petitioner will be reasonably prevented or limited in respect to the use of this property. The spokesperson for Kroger's who is present for us today has stated that this ground sign, it's for patrons who are coming off the streets, you know, driving down Grand River, eastbound or westbound Grand River, for them to be able to see that either fuel station located within the shopping center and to allow the people to come in and patronize The fuel station.

There was some issues regarding the location, specific location of the ground sign, and without note the ground sign makes sense as where it's located due to the visibility and the fact that it's further past the entrance, the first entrance to the shopping center. Now, it has been recommended by some members that perhaps the sign can be moved east of where it's currently proposed to be located, east of that, to allow for better visibility for parties who need to patronize the fuel station, and it is my position as the
mover of this motion that if the petitioner accepts and so long as it complies with all the necessary (unintelligible), that it is not in the -yes, that is in the (unintelligible) of the road and does not obstruct traffic and it is not in the right-of-way, then it is the petitioner's--if it is a question of desire to comply with that and that will be appreciated, part of this motion as well.

The property is unique, as we all know in this case, because it is an existing development and this was a parking lot that is being turned into a fuel station. While the purpose, one of the purpose is to attract those who shop at this shopping center, it's also intended for those who just buy gas as I'm going down the street on Grand River or even Beck Road, for that matter. The petitioner did not create the condition. This is an existing development piece of property that has been turned into a fuel station. Absolutely it does not, really should not call into question as to whether or not there is any self-created problems here.

Not granting the variance will make it unreasonable for this particular applicant to achieve purpose that is intended, and clearly granting it will not effect the surrounding adjacent property owners. I think that it's a win-win for the developments that are within that subdivision because more people get to see what is there if they coming there to buy gas, so clearly I think that it is a win-win for other businesses.

Finally, the relief is consistent with spirit and intent of the ordinance as this particular business would bring in more people into the city, and certainly I think that is a welcome attribute for the city of Novi. Therefore, based on the presentation that was presented by the applicant's representative, the discussions that was here by the members, and I move that we grant the request.
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MS. KRIEGER: Second.

MS. GRONACHAN: It's been moved and
second. Any further discussion?

Seeing none, Miss Ransay, please
call the role.

Oh, did you--I'm sorry.

MS. RAMSAY: Member Ibe?

MR. IBE: Yes.

MS. RAMSAY: Member Krieger?

MS. KRIEGER: Yes.

MS. RAMSAY: Member Sanghvi?

MR. SANGHVI: Yes.

MS. RAMSAY: Member Byrwa?

MR. BYRWA: Yes.

MS. RAMSAY: Member Montville?

MR. MONTVILLE: Yes.

MS. RAMSAY: And Chairperson

Gronachan?

MS. GRONACHAN: Yes.

MS. RAMSAY: Motion passes six to

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zero.

MR. PISKO: Thank you very much.

MS. GRONACHAN: Your variances have
been granted, I'm sure you'll be seeing the
Building Department in the near future. Good
luck to you.

MR. PISKO: Yes, thank you very
much.

MS. GRONACHAN: Thank you. Okay.

Moving right along, case number PZ15-0036,

Ryan and Lindsay Szostek at 1310 East Lake

Drive, west of Novi Road and south of 14 Mile.

Is the petitioner here? Come on down.

The applicant is requesting a

variance to allow construction of a new second
story living area addition with an attic above
an existing--an existing residence.

Good evening. Are you both going to
testify this evening?

MR. SZOSTEK: Yes.

MS. GRONACHAN: Are either one of

you attorneys?

MR. SZOSTEK: No.

MS. GRONACHAN: Would you both

please state your names and then spell them

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for our recording secretary, then raise your
right hands and be sworn in by our secretary.

  MR. SZOSTEK: So I'm Ryan Szostek, last name spelled S like Sally, z-o-s like Sally, t-e-k.
  MR. JESHURUN: Matthew Jeshurun, I'm a contractor. Last name spelled J-e-s-h-u-r-u-n.
  MS. GRONACHAN: Okay. Would you both raise your rights hands.

RYAN SZOSTEK and MATTHEW JESHURUN
was thereupon called as witnesses herein, and
after having first been duly sworn to testify
to the truth, the whole truth and nothing but the truth, was examined and testified as
follows:

  MR. IBE: Thank you.
  MS. GRONACHAN: You both may
  proceed.
  MR. SZOSTEK: Okay. I am not nearly as formally prepared as the last person so I will attempt my best, I promise. So I am a current resident. This is not Lindsay. I'm the current owner and resident at 1310 East Lake Drive in north Novi there on Walled Lake.

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It's actually on the lake side, for context purposes. We are undergoing a construction process, not changing the existing footprint of the house, but to effectively change the layout of the second floor to make it more accommodating for our family.

The house, from a background perspective, was a cottage on Walled Lake for,
I don't know, built in the '40s or '50s or something like that, which was effectively a two-bedroom house, one of the bedrooms being eight by seven. In the '80s they raised that cottage and put a basement under it which became the first floor which included a kitchen, a bathroom and a living room. The second floor now is the same orientation as the original cottage, so it is a two-bedroom, one-bath house with two living rooms and two family rooms, one on each floor.
So the variance purpose of this or
the hardship in this case is trying to make
the second floor have an additional bedroom
and make the existing second bedroom slightly
larger than eight by seven which barely fits

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(unintelligible). Why there's a variance in
that is that the existing—in order to do that
we need to relocate a staircase that does not
reside in a bedroom. In order to do that we
need to raise the roof line six feet so that
there's head room to allow that staircase to
go into the third floor, which is currently a
pent roof. You can think of a bungalow sort
of thing where you can only walk down the
middle of it, to effectively raise the walls
six feet, I believe, so that you can actually
walk up the staircase and not hit your head.
So that is the purpose of it. I
have some pictures of current setbacks, so the
variances are two. One is on the south side.

MS. GRONACHAN: Put your pictures on
the--

MR. SZOSTEK: I don't have pictures.
Oh, here. Can I distribute them to you?

MS. GRONACHAN: You can put them on
the overhead so that I can see them.

MR. SZOSTEK: All right.

MS. GRONACHAN: Technology.

MR. SZOSTEK: Yeah, I know. These
are just examples of the existing, of existing
neighbors' setbacks—which I don't know if
that's going to focus for us, it looks
amazing.

MR. JESHURUN: We made seven copies.
If you want we can hand them to you.

MS. GRONACHAN: You're fine. People
at home also can see this.

MR. SZOSTEK: We are on television?

MS. GRONACHAN: Yeah.

MR. SZOSTEK: Great. So on the
south side, the existing footprint already
impedes on the setbacks. The space between
the two houses is about 15 feet and the
mandatory setback from the property line's 10
feet, so it impedes on that. Almost nearly all of the existing structures as well as the new construction, as you can see on this, are already--I'm guessing they were here previously seeking variance for exactly the same purpose. However, they tore down the houses and build gigantic ones. I am just going up six feet.

There is a small consideration in that the eave of the house will be extended one foot further than it currently is. It's currently a one foot eave and it will be one foot further down, if you can imagine the roof line coming down slightly. I'll pause.

MR. JESHURUN: Yeah, just to interject further. His existing staircase up to this, you know, third floor bungalow, whatever you want to call it, is not a usable staircase. It's under three feet wide. It kind of almost spirals up where the stairs are on top of each other and no way could you ever carry anything up of any size. So really the purpose is to give them storage and, you know, at some point maybe, I don't know if they'll do something more than storage, but for budget restraint purposes now it's just storage, but they want to be able to get large things up there to store it so they want to put in the proper staircase over the existing staircase, which with the way the existing staircase is situated they can't do that unless we do a shed dormer on the one side where the staircase would be going up. And so then at that point we've--well, let's put some balance to the house so it's just not this ugly shed dormer on one side of the house, so

we added it on the south side as well, just to add balance and, you know, aesthetics.

MS. GRONACHAN: Okay. Anything else?

MR. SZOSTEK: We're more than willing to take any questions you may have.

MS. GRONACHAN: All right. Thank you very much.
Mr. Secretary, is there any correspondence?

MR. IBE: Yes, Madam Chair. In this particular case there were 26 letters mailed, 2 that is returned, one approval that is received and zero denials that was received. The sole approval that I received is from Isaly Szetela at 1317 East Lake Road, East Lake Drive in Novi, and he states: "We wish them the best of luck with this endeavor."

And that's it, Madam Chair.

MS. GRONACHAN: Thank you. Is there anyone in the audience that wishes to make comment?

Seeing the vast minority out there, a little empty, seeing none, Building Department, do you have anything at this time?

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MR. GRUBA: No comment. This is just for the two variances, for the south side property setback and for expanding a house that's next to the accessory structure, that's all it is so--

MS. GRONACHAN: Thank you.

MR. JESHURUN: Madam Chairperson, I forgot to tell you we also have a set of signatures, I don't know if you want us to put that, from surrounding neighbors. I don't know if that's even at this point--

MS. GRONACHAN: Can we let us Board members--any comments?

MR. BYRWA: I have a question.

MS. GRONACHAN: Member Sanghvi first.

MR. SANGHVI: Thank you. I came--you are two lots there and on the north side of your lot you have with a garage, how long have you had that garage?

MR. SZOSTEK: So I moved into the property three and-a-half years ago. And that garage was existing, so I don't know when it was actually built. It's actually a lot and-a-half.
MR. SZOSTEK: Oh, no, it's been--it's block construction. It's probably, I don't know, I would not be fit to give you an estimate, to be honest. It's older than me.

MR. SANGHVI: Second question is you already have a second floor and you plan to extend it?

MR. SZOSTEK: Yes. So it's actually three--it's a difficult house to describe, I must admit. It's a three-story structure. It has a basement that serves as the first floor, and all three are existing, there's been no construction on it.

MR. SANGHVI: According to what you written on this paper, a little misguided that you are building a new second floor.

MR. JESHURUN: See, I guess to elaborate on that, if you can imagine a house with a basement but over 90 percent of the basement is at grade level to where it's not in the ground, that's kind of what they have. In that level is their main living space of kitchen, half bath, living room, kind of a dining area. Above that is the main living, you know, space, up two bedrooms and a bathroom, kind of almost like a second living room or just big open space. That's basically wasted and kind of unusable. So essentially within a existing footprint of that second floor we are just moving the interior walls around, keeping the exterior structure and just reorganizing that second floor to make more sense as far as two bedrooms, a bathroom, and a more usable master suite for them where they'll have like en suite bath and walk-in closet.

As far as what I guess we are referring to is the third floor, it's essentially like a bungalow, how, you know, again if you can imagine bungalow that had a basement, a first floor and then the bungalow story, that's what this is, again with just the lower level kind of being out of the ground. As far as the bungalow part is concerned or as we are calling third level,
the roof line really is not changing, that's
staying the same, but like with any bungalow

when you have that pitch starting right at the
eave and climbing, you typically don't get
usable space, depending on what the pitch of
the roof is till four or five feet in, and you
have to make four or five feet eave walls,
then from there the space climbs up to
whatever ceiling heighth you give it. Within
the area where they're proposing to have the
two shed dormers, you will see it kind of
steps out to where those shed dormers are,
'cause those will actually have six foot side
walls. That's essentially the variance we are
asking for is, really the only change to the
structure is coming in, those shed dormers.

MR. SZOSTEK: So to allow for the
staircase.

MR. JESHURUN: And I guess the
extension of the eaves.

MR. SANGHVI: Thank you.

MS. GRONACHAN: Member Byrwa.

MR. BYRWA: Yeah, I was--question
for the Building Department. What is the
maximum building height in that area?

MR. GRUBA: It's zoned R4, and if
you can bear with me here I'll just flip to

that. Maximum building height is 35 feet or 2
and-a-half stories, whichever is less.

MR. BYRWA: So would that be like an
extra variance being that there--to me, I look
at the elevation and it's clearly three
stories here and you were looking at a story,
the first floor is a story above grade, and
then you got a second floor and then you
got--now you're proposing a third floor.

MR. JESHURUN: Well, can I--

MS. GRONACHAN: Let them--

MR. GRUBA: I'm sorry, if I may ask
the question, the definition of story depends
on whether the basement is mostly above grade
or below grade?

MR. JESHURUN: There is no
essentially basement. If you can almost
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imagine it's almost like a slab, but the first
floor is block and that's kind of--like maybe
one, I believe on the south side, maybe it's
the north side, the grade is actually halfway
up that block so--

MR. SZOSTEK: I can elaborate 'cause
I live in it every day. It's very unique,
I'll give you that, so the confusion is that
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on the side you're below grade from about five
and-a-half feet below grade. From the lake
side which slopes drastically down towards the
lake it's like a walk-out basement. What's
unique about it is on the road side it's also
a walk-out, so it's walk-out on the east and
the west side, and it's a basement effectively
on the north and the south side. I don't know
how to describe that but that's the way it is.

MR. JESHURUN: To further address
your question, I believe, 'cause I've dealt
with the Department, the 35 foot as you
describe is to the mean heighth which is
halfway between the eave and the ridge, and so
if you're talking about where the eave starts,
even with it being, you know, the second
story, that would be somewhere approximately
around 17 feet off the ground. If--if the
whole first floor is excavated. The fact that
it's not, now you have to find the common
grade heighth around the whole house, which
essentially if you're saying it's five feet on
the sides and walk-out we'll call it two
and-a-half feet for a common all the way
around the building, so then from that point
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to the bottom of the eave is probably
somewhere around 15 feet.

Now, depending on the pitch of the
roof and width of the building, that will now
give you a ridge heighth which I would say is
approximately ten feet taller than the eave
heighth. So even the ridge itself off the
ground is going to be no taller than 25 feet.
So we're way under. And the actual
requirement of 35 feet would be to the middle
of the roof, so essentially the building could

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almost be 15 feet taller and be close enough
to meeting that, so I think we're well within
that.

MR. GRUBA: What is the height
between the eave and the peak? That's the
height of the building is measured between the
eaves and the peak.

MR. SZOSTEK: It's a 12/12 pitch.
It's a 20 foot wide building, so it's almost
exactly 10 feet from the eave to the peak of
the actual main roof.

MR. GRUBA: Do we have any
elevations?

MR. SZOSTEK: Yeah, it's within the
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drawings.

MR. BYRWA: Submitted the building
height is 25 feet 4 inches and that's to the
midpoint of the gable.

MR. GRUBA: Okay.

MR. BYRWA: 25/4.

MR. GRUBA: If I may, the way that
I'm reading the definition of basement, is
that the basement would be actually considered
the first floor and then you have the second
door and then you'll have the half story
there.

MR. JESHURUN: I guess we're calling
it a third floor but really it's not, it's
like a cape cod or bungalow. It's within the
roof.

MR. GRUBA: I suppose the answer to
your question, I think that it meets 2
and-a-half stories or 35 feet per the
definition.

MS. GRONACHAN: Anything else,
member Byrwa?

MR. BYRWA: No, that's--well, I
guess to classify it as a third story, I think
there's a formula where if the floor area is

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greater than 50 percent of the floor area
below it, it's a third story. So to call that
a dormer I think is misleading, or whatever or
a half story is misleading. It goes into the
category of a full story if it's greater than
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50 percent of the floor below it.

MR. GRUBA: Well, I might be wrong about that, and I'm not sure if we want to move on to another question while I try to find that out.

MR. BYRWA: Okay.

MS. GRONACHAN: All right. We'll have Mr. Gruba look that up. In the meantime, member Krieger, you had additional questions?

MS. KRIEGER: Yep. The level of your--when you enter the house and you're calling it your first floor, is that the level of the road?

MR. SZOSTEK: Yeah.

MS. KRIEGER: I can't remember as I drove by. Are you going down into the first floor?

MR. SZOSTEK: No, it's level with the road. It's probably actually two to three feet off the road level, raised off the road level.

MS. KRIEGER: So the north and south side, the earth that comes up to it is above the road level then?

MR SZOSTEK: Yeah, it's probably four to five feet or six feet above the road level.

MS. KRIEGER: Your neighbors' houses are still taller than that.

MR. SZOSTEK: My one neighbor to the south is significantly taller than that and it will be.

MR. JESHURUN: Essentially they drive almost down into their garage, the neighbor on the south side, and he drives slightly up to his garage and then there's kind of just a walkway that come down to his front door. So in a way his garage is quite a bit higher than actual front door entrance.

MR. SZOSTEK: Yes.

MR. JESHURUN: Five, six feet difference.

MS. KRIEGER: Which makes it more complicated. Thank you.

MS. GRONACHAN: Any other questions?

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MR. GRUBA: Madam Chair, if I may. Definition of half story zoning ordinance, an uppermost story lying under a sloping roof having an area of at least 200 square feet with a clear height of 7 feet 6 inches, for the purposes of this ordinance the usable floor area is only that area having at least 4 feet clear height between the floor and the ceiling.

How many square feet is the top floor?

MR. JESHURUAN: The bungalow right now is probably, the building is 20 by 40, right, so the first and second would be 800 square feet. If you figured at a 12/12 pitch it stops probably about 5 feet on each side, so instead of 20 foot wide it becomes about 10, so literally half, and then the entire length of the building, although currently I don't know that it goes entire length of the building, so it's definitely well under half right now.

What we would be proposing for the storage space, obviously with the shed dormers going all the way out to the exterior wall, be getting some more square footage there, and then also I believe it's going out a little bit further over the front, although for the proposed master suite area it will be open like a two-story kind of great area, be just like a big cathedral ceiling within that footprint, so that will actually be lost. So I guess if you're not counting the cathedralled area of the master suite as the square footage of the bungalow area, it's probably about half of what the second and first floor are, which would be about 400 square feet.

MR. GRUBA: Okay, I'm seeing here that the mezzanine shall not exceed one-third of the story floor area, and you're saying that's a half, which would be more than a third.

MR. JESHURUN: By mezzanine you're referring to that third level?
MR. GRUBA: Right, and just looking at it in the last two minutes here, I suppose it might be considered a third story but I suppose I'd like to take a look at the floor plans and really just kind of delve into it to see technically how many stories it is. So I apologize, I don't have a clear answer on that.

MR. JESHURUN: Does it mean referring to as a half story versus third story change the variance?

MR. BYRWA: Well, that would be extra variance to allow a third story, I believe.

MR. GRUBA: Because it's two and-a-half stories or 35 feet.

MR. BYRWA: Right. So you're--if you are proposing over the square foot on the third floor, then there would be an extra variance to allow a third story.

MR. JESHURUN: Does it matter if the square footage essentially staying the same as the existing or no?

MR. BYRWA: No, it's based on the floor area below it and it's according to the definition here, if the floor area is less than a third it would be counted as a half story. If it's over a third of the floor area before it it's considered a full story.

MR. JESHURUN: Okay.

MR. SZOSTEK: Quick question for the--go ahead.

MR. GRONACHAN: Building Department. So are we saying that if it's less than 35 feet then we wouldn't need a third variance, correct? Am I understanding that correctly?

MR. GRUBA: Well, it would have to be less than 35 feet or less than 2 and-a-half stories, and we're questioning whether that's actually 3 stories.

MR. BYRWA: Building height, all right, isn't a variance but the variance for the amount of storeys is what's in question.

MR. GRUBA: It has to be full.
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MS. GRONACHAN: Not one or--

MR. GRUBA: Correct.

MS. GRONACHAN: So we're not really able to vote on this tonight until we get a clarification, is that where we are going with this?

MR. GRUBA: Well, I would--I would like a little bit more time, and I apologize for not having that at my disposal. I'm not sure if the attorney has a different opinion.

MR. GILLAM: Based upon the discussion of the table, no, unfortunately we don't have the benefit of Mr. Walsh's analysis.

MS. GRONACHAN: Okay.

MR. GILLAM: So I suppose it sounds like the appropriate thing for the Board to do is consider tabling the request for some additional review, but I would suggest if you have any other questions or any discussion relative to the other two variances, that might be appropriate to go ahead, have that discussion tonight with the applicant. If there are any other questions that come up as far as those, then those can be addressed in the same additional analysis.

MS. GRONACHAN: Okay. So we are not going to be able to vote on this tonight, which means we'll have to postpone it, and before I ask about any questions can it go till next month, Miss Ramsay?

MS. RAMSAY: Next month is November 10th, but I guess if they need a third variance we would have to post that in the newspaper and send public notice so we would be looking at December 8th.

MS. GRONACHAN: So we would postpone it until December 8th, okay. If not, if you don't need a third variance, then they can come back next month?

MS. RAMSAY: November 10th.

MS. GRONACHAN: You'll make sure?

So if you don't need a third variance we will see you next month. If you do need a third variance then we will table the request. I think that's what we need to do.
 variance because we have to re-advertise, all
right, it wouldn't be until December. And I'm
confident that the Building Department will
get this resolved quickly, okay, and we will
get you some answers.

MR. JESHURUN: So we're essentially
just waiting to hear essentially if we even
need a third variance, which we may or may
not?

MS. GRONACHAN: Correct. There's
enough question here that it looks like you
may, but we need further review of the plans
as well as the variance in order to determine
that, okay?

So are there any other questions
from the board members referencing any of the
other variances? No other questions?

SO WITH THAT I WOULD LIKE TO--IS
everyone in favor of postponing as discussed
with the petitioner? So this case will be
postponed. All those in favor say aye.

MR. IBE: Aye.
MR. SANIHVE: Aye.
MS. KRIEGER: Aye.
MR. MONTVILLE: Aye.
MS. GRONACHAN: Okay.
MR. SZOSTEK: May I ask a small
clarifying question?

MS. GRONACHAN: Sure.

MR. SZOSTEK: Perhaps it's to the
gentleman from the Building Department. Is
the consideration of the first floor a
basement also a consideration, because that
would make it a two-story structure if not a
three-story or two and-a-half?

MS. GRONACHAN: I think that's
what's causing the problem, correct, the
clarification on first floor?

MR. GRUBA: Well, and also the top
door floor, I'd like to take a look at both of
them, but the way I read it right now it looks
like it's three stories, but I'll look at it
again.

MR. SZOSTEK: Okay.
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MS. GRONACHAN: Okay. Just look at it this way, you get to come back and see us.

MR. SZOSTEK: I would love that if it wasn't the winter season. I'm just concerned about actually starting the project that will push into the nice portion of next year.

MS. GRONACHAN: Well, I'll pray for good weather.

MR. SZOSTEK: I appreciate that.

MS. GRONACHAN: And I'll pray that we get to see you next month. How's that?

MR. SZOSTEK: Yeah, thanks.

MS. GRONACHAN: So your case will be postponed and the Building Department, please check with them on the further decisions, and then we'll take it from there, okay? We will see you hopefully next month.

MR. SZOSTEK: Thanks.

MR. JESHURUN: Thank you.

MS. GRONACHAN: Thank you.

Okay. Our final case for this evening is case number PZ15-0037, Kelly

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Brothers on behalf of Oakland Oral Surgery at 25000 Joseph Drive, south of Grand River and east of Meadowbrook. The petitioner's request for a variance for a backup generator. And petitioner's in front of us, so would you please state your name and spell it for the secretary, then raise your right hand and be sworn in.

JANE ARCAND

was thereupon called as a witness herein, and after having first been duly sworn to testify to the truth, the whole truth and nothing but the truth, was examined and testified as follows:

MR. IBE: Thank you.

MS. GRONACHAN: You may proceed.

MR. ARCAND: I am here to represent Kelly Brothers and Oakland Oral Surgery. Oakland Oral Surgery is looking to put a generator at their property, 25000 Joseph Drive. It's a dental office where they do oral surgery, and they house their computer
system there that generates to all the other facilities that they have, and if they lose
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power then the other systems cannot work as well. So--

MS. GRONACHAN: How many other locations are there that it's tied to, please?

MS. ARCAND: I believe there's three, but I'm not certain.

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

MS. ARAND: No, other than what I've presented to Stephanie. I had sent over everything regarding the generator, the sizes.

MS. GRONACHAN: We have that, okay, thank you.

Mr. secretary, is there any correspondence in the matter of this case?

MR. IBE: Madam Chair, this case there were 18 letters mailed, 2 letters returned, (unintelligible) letters received.

MS. GRONACHAN: Thank you. There's clearly no one in the audience to make any comment at this time.

Building Department, do you have any comments?

MR. GRUBA: No, other than this is a variance request for an accessory structure on

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side yard, 20 feet is required--I'm sorry, 10 feet is required, 5 feet is proposed. I can elaborate on any or answer any questions that the Board may have.

MS. GRONACHAN: Thank you. Board members? Member Byrwa.

MR. BYRWA: Yeah, we're not putting anything combustible or roof over this?

MS. ARCAND: No.

MR. BYRWA: It's strictly metal, not combustible?

MS. ARCAND: Correct. I have a photo of what it would look like.

MR. BYRWA: Thank you.

MS. ARCAND: Yep.

MS. GRONACHAN: Member Sanghvi.

MR. SANGHVI: Thank you. I came and
saw your site a couple of days ago and also
went into the property on the east side and
looked over there. Are you likely to lose any
parking spots around there on the south side
of your building?
MS. ARCAND: Parking? Did you say
parking?
MR. SANGHVI: Are you likely to lose
any parking spots?
MS. ARCAND: No, I would not lose
any parking space. It would go alongside the
handicap ramp in the back of the building.
MR. SANGHVI: Just on the--so it's
going to be on the east side of the building?
MS. ARCAND: Yes. I can put a
drawing up. In the back of the building--I'm
going to point--this is the front, this is the
back of the building. The generator would go
along the back wall where the entrance, that
would be a handicap ramp that goes up there.
MR. SANGHVI: Thank you.
MS. GRONACHAN: Anyone else? Member
Krieger.
MS. KRIEGER: You have anticipation
of hours of operation, would it be daytime or
24 hours?
MS. ARCAND: It would only exercise
once or twice a month for just a few moments.
The only time you will hear that generator run
is if they lost power. If they lost power,
then that generator would have to run.
MS. KRIEGER: So it could run all
night then? So somebody--if power went down
at night and the generator would kick in?
MS. ARCAND: It would automatically
kick in. Maybe no one would be at the
facility to turn it off because it
automatically transfers when DTE, Consumers,
your electrical company, it automatically
transfers, you don't put this on manually.
MS. KRIEGER: So I'm wondering about
anticipation of the sound and are there going
to be any barriers around it so that there
wouldn't be a disturbance in sound with the
neighbors?

MS ARCAND: The decibel rating for this unit while it's operating is 64, so it's very, very low. I don't anticipate that the neighbors would really hear it based upon where it was located. There is nobody on the other side of the, you know, 'cause they are on the side of Grand River. I'm going to point. This would be the Grand River side here. I believe this is Joseph. We have the Kroger main facility for their branch, their headquarters here is behind them. They have a generator, a larger, I'm not sure of their decibels, and then over to the side here there is another facility but it's a business that's not run at night.


MR. MONTVILLE: Outside of backing up the computer systems for your location, also three additional locations, is this the main backup battery support for the building as a whole? And what I'm getting to is if there's surgery taking place and physicians are in the middle of an operation, is there patient risk involved as well that would be related in support of the backup generator potentially?

MS. ARCAND: There would be potential danger to the person that may be under-

MR. MONTVILLE: Sure.

MS. ARCAND: But if they automatically have that generator turned back on it would definitely help them, and I know that if it was me or my family I wouldn't want that surgeon to be without power so-

MR. MONTVILLE: Working in the dark would be a little difficult.
prepared to make a motion at this time.

MS. GRONACHAN: Okay. Thank you, member Montville.

MR. MONTVILLE: I move that we grant the variances requested in case PZ15-0037, Kelly Brothers on behalf of Oakland Oral Surgery at 25000 Joseph Drive. In this particular instance the petitioner has established a practical difficulty, one for the safety of the customers or the patients within the business, and also the computer systems tied to other locations for Oakland Oral Surgery. This particular variance is not self-created due to the sensitive nature of this particular business and the sensitive nature of the patients being operated on within the business. Strict compliance with dimensional regulations, other zoning ordinance--excuse me--would cause not only a practical difficulty but a potential safety concern for the business and the customers of the business.

The petitioner has established the variance is the minimum variance necessary in this particular request due to the low decibel levels of the generator selected and also the high quality aspect of the generator that has been selected in this particular request. The request will not cause an adverse impact on the surrounding businesses, limited residential, and again the petitioner has gone out of their way to select the quietest--excuse me--a low audible quality generator in this particular instance.

I move that we support the variances.

MR. SANGHVI: Second.

MR. BYRWA: Second.

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

Seeing none, please call the roll.

MS. RAMSAY: Member Ibe?

MR. IBE: Yes.

MS. RAMSAY: Member Krieger?
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MS. KRIEGER: Yes.

MS. RAMSAY: Member Sanghvi?

MR. SANGHVI: Yes.

MS. RAMSAY: Member Byrwa?

MR. BYRWA: Yes.

MS. RAMSAY: Member Montville?

MR. MONTVILLE: Yes.

MS. RAMSAY: And Chairperson Gronachan?

MS. GRONACHAN: Yes.

MS. RAMSAY: Motion passes six to zero.

MS. GRONACHAN: Your variance has been granted.

MS. ARCAND: Thank you.

MS. GRONACHAN: You may seek the building permit.

MS. ARCAND: Thank you very much.

MR. GRONACHAN: Thank you.

That concludes our cases. There is under other matters we have the approval of the 2016 Zoning Board of Appeals calendar dates. Is there any discussion in regards to those dates?

Seeing none, all those in favor of the 2016 Zoning Board of Appeals calendar please say aye. (All stated aye.)

MS. GRONACHAN: The 2016 calendar has been approved.

Is there any further discussion on any other matters this evening?

MR. SANGHVI: May I make a motion to adjourn, Madam Chair?

MS. GRONACHAN: You certainly can.

MR. SANGHVI: Thank you.

MS. GRONACHAN: You beat me to it.

All those in favor of adjournment say aye. (All stated aye.)

MS. GRONACHAN: Meeting adjourned.

(The hearing was concluded at 8:20 p.m.)
I, Suzanne M. Green, certify that this proceeding was taken before me on the date hereinbefore set forth; that the foregoing statements were recorded by me stenographically and reduced to computer transcription; that this is a true, full and correct transcript of my stenographic notes so taken.

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

IN WITNESS WHEREOF, I hereunto set my hand at the City of Milford, County of Oakland, State of Michigan, this 20st day of October, 2015.

____________________________
Suzanne M. Green, CSR-3887
Oakland County, Michigan
My Commission expires: 7/25/20