REGULAR MEETING - ZONING BOARD OF APPEALS

CITY OF NOVI

Tuesday, August 12, 2014

Proceedings taken in the matter of the ZONING BOARD OF APPEALS, at City of Novi, 45175 West Ten Mile Road, Novi, Michigan, on Tuesday, August 12, 2014

BOARD MEMBERS

Brent Ferrell, Chairperson

Mav Sanghvi

David Ghannam

Cynthia Gronachan

Rickie Ibe

James Gerblick

ALSO PRESENT: Thomas Walsh, Building Official

Beth Saarela, City Attorney

Coordinator: Angela Pawlowski, Recording Secretary

REPORTED BY: Jennifer L. Wall, Certified Shorthand Reporter

INDEX
Novi, Michigan.

Tuesday, August 12, 2014

7:00 p.m.
CHAIRPERSON FERRELL: Calling to order the Zoning Board of Appeals regular scheduled August 12, 2014 meeting.

Member Gerblick, can you please start us with the Pledge of Allegiance. Everybody please rise.

(Pledge recited.)

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

MS. PAWLOWSKI: Member Gerblick?

MR. GERBLICK: Here.

MS. PAWLOWSKI: Member Ghannam?

MR. GHANNAM: Here.

MS. PAWLOWSKI: Member Gronachan?

MS. GRONACHAN: Here.

MS. PAWLOWSKI: Member Ibe?

MR. IBE: Present.

MS. PAWLOWSKI: Member Krieger is absent, excused.

Member Sanghvi?

MR. SANGHVI: Here.

MS. PAWLOWSKI: Chairperson Ferrell?

CHAIRPERSON FERRELL: Here.

At this time there is a public
hearing format, rules of conduct that's in
the back of the room, if anybody would like
to grab a copy to follow along with that.
Now onto approval of the
agenda.
Is there any additions to
that?
MS. PAWLOWSKI: No.
MR. GHANNAM: I will move to
approve them.
MS. GRONACHAN: Second.
CHAIRPERSON FERRELL: Having a
motion and a second, all in favor say aye.
THE BOARD: Aye.
CHAIRPERSON FERRELL: Any
opposed?
(No audible responses.)
CHAIRPERSON FERRELL: Seeing
none, we have an agenda.
Approval of the minutes?
MS. GRONACHAN: There aren't any.
CHAIRPERSON FERRELL: There are
none. Moving on.
On the public remarks, anybody
have anything that they would like to ask or
address the board, may come up and do so now,
that is not pertaining to any cases that are
being heard tonight.

Seeing none, this is a public hearing. We ask that pagers and cellphones be turned off at this time.

As your case is called, please come up, raise your right hand. If you are not an attorney, be sworn in, and state your name and spell it for the reporter.

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

Very good. Come back to that.

Case No. 2, PZ14-0028, 1103 East Lake Drive, Sundance Grill and Cantina.

MR. GHANNAM: State your name, sir.

MR. MAMOLA: My name is Lee Mamola, from DiClemente Siegel Design Architects.

MR. GHANNAM: Can you spell that, please.

MR. MAMOLA: Lee, L-e-e, M-a-m-o-l-a.

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

MR. MAMOLA: Yes, I do.

Good evening, Members of the
Board. With me tonight is Mr. Ted Andris, the owner of the property who is an attorney, by the way.

Mr. Andris has owned property immediately adjacent and surrounding this property for many years. That property has been vacant.

Approximately two years ago, he bought the property that predominantly is occupied by the restaurant, the facility in question tonight.

So it has become one property. He is seeking to make a number of improvements to it by expanding some of the dining services, upgrading the facilities in general and a number of improvements including parking. Right now parking, as you might be aware, is really right off the street on East Lake Drive and Fourteen Mile Road, rather hazardous situation.

We are here to talk about obtaining variances for sideyard encroachments.

I have some diagrams I'd like to pass out that would help to clarify the presentation.

What you will see are two
diagrams, one of the floor plan and one of
the site plan.

The existing building, which
is the floor plan -- I'm sorry, the floor
plan is the first diagram you see and to the
top part of that plan, you see some areas
shaded in red.

That is the area of the
kitchen expansion which can really only occur
in that one direction, that is the exterior
sideyard, if you will. And it expands to the
limit that would essentially square off the
footprint of the building.

The dash lines that you see on
the floor plan are the approximate required
setback lines.

CHAIRPERSON FERRELL: Sir, can
you actually set this on top of that. That
way we can get it up on the screen so
everybody can see it.

MR. MAMOLA: Most of it is there.

Again, the red area, the
darker area on the top is expanding the
kitchen area, which is the existing kitchen
and food prep area.

To the left of the plan, you
see a light blue area, that is the outdoor
deck slash patio type seating and it's located at that side of the building so that the patrons can take advantage of the view of the lake, which is a little further to the left.

Kind of off the screen, see if I can move it up to a little bit, is about a 200 square foot area. That would be an enclosed addition. You kind of see the little sliver of encroachment into the sideyard setback.

Again, that geometry is dictated by the simplistic geometry of squaring off the building.

On the next sheet there is a site plan, and again you see the red and the blue areas with the dashed lines with the required setbacks.

You also see some green area which today is predominantly parking, so there will be a green buffer area between the edge of the roads, both Fourteen Mile and East Lake Drive and the proposed additions.

So there still is a green so-called front yard and/or exterior sideyard.

Now, there is -- the only way
this building can be added onto and expanded
in any way, these are all rather modest
expansions, is to the north for the kitchen,
it is to the east for the seating and deck
area.

It cannot be expanded to the
south because we need to have two points of
egress and a driveway and related site
improvements, parking and so on.

There is really no further

room to expand to the south other than the
little square that I talked about earlier.

And we really can't expand,

put an addition on and make these
improvements to the building further to the
east. The driveway that you see pretty much
has to be in that approximate spot for
traffic safety reasons.

If the driveway were located
further to the west, thereby maybe creating
some possibilities for expansion of the
building on the west -- sorry, the east side,
we would create a hazardous traffic situation
particularly for people exiting the site,
exitting the parking area, and making a left
turn onto Fourteen Mile Road because for a
person doing that, if they're looking towards
the east, there is a slight rise along Fourteen Mile Road, and you have limited site lines for traffic.

So we feel the safest position from a traffic safety point of view is to locate the driveway, pretty much exactly where it is.

This allows for other improvements to the site for berms and sidewalks and the like which will connect to the residential areas further to the east.

So again, the opportunity to clean up this corner of -- entry corner to Novi is a nice one.

The planning commission has accepted preliminary site plan approval subject to the variances tonight. The city council has granted a waiver of the required front yard required sidewalk along East Lake Drive, and this is for the final requirement before we go into the final site plan approval.

So I'll stand by for any questions from the board and Mr. Andris is here, too, if you have any questions of him.

Thank you.

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

(No audible responses.)

Seeing none, Mr. Secretary,

read any correspondence.

Oh, please come up and be sworn in.

State and spell your name for the reporter.

MR. BRAUNSTEIN: I am Allen Braunstein, B-r-a-u-n-s-t-e-i-n.

CHAIRPERSON FERRELL: Are you an attorney?

MR. BRAUNSTEIN: No, I am not.

MR. GHANNAM: Raise your right hand, sir.

Do you swear or affirm to tell the truth in this case.

MR. BRAUNSTEIN: Yes. I reside at 1129 East Lake Drive, which is one home away from Sundance Cantina and Grill.

I wish to speak in clear opposition to the variances which would permit expansion of the outside deck and parking of this establishment. Sundance Cantina and Grill is not a good neighbor.

This in part in evident in the
poor condition and maintenance of the
adjacent properties owned by the proprietor
of the cantina and grill.

It is further evidenced by the
increased noise and commotion, particularly
from the outside deck and parking lot, we
have experienced since the applicant has
taken ownership of this establishment.

We frequently hear them. Most
recently at 1:00 a.m. this past Sunday
morning.

I wish to emphasize that this
area with the exception of the bar and grill
is residential, not commercial. As a
resident and homeowner the last thing needed
is an expansion of a facility serving alcohol
outside.

My wife and I are already have
enough issues with the current bar and grill
and the drinkers who moor their boats in
front of our house and the proprietor's
properties whom he serves. Please see his
sign on his waterfront property.

1129 East Lake Drive is our
home, not a business. The poor track record
of this applicant is clear to us. Expansion
will serve only to worsen our situation.
If this zoning commission cares about our well-being and quality of life, as neighbors and homeowners, it will deny the variances which will allow for this expansion.

This expansion will adversely affect us residing at 1129 East Like Drive. Thank you.

CHAIRPERSON FERRELL: Thank you. Anybody else have any questions or comments? Please state your name and spell it for the reporter.

MR. CLARK: David Clark, D-a-v-i-d, C-l-a-r-k.

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

MR. CLARK: I do. I live in the first home next to Cantina Grill. I'm worried about the water drainage from the parking lot. And I saw in the thing there that there is going to be a ditch flowing to the existing drain, which is a culvert under the road next to my property.

When they built Hickory Woods school they drained all that water towards our property, flooded my property completely.
The city came out and told me what was going on, nothing they could do about it. But they did come out and clean out -- made the ditch bigger to help the water get out of there. And the culvert under the road takes it to the lake.

But the culvert at the road on both sides of the property is not very far into the property. So my driveway has to actually curve to get onto the road.

So if I could have two or three more of those pipes on the road -- on my house side, that would make my driveway -- it would still be on my property, not Mr. Andris'. It would come right to the property line.

But when it goes under the road and comes to the lake, it makes a big swamp on the lakeside, for mosquitoes or whatever else. And it's taking -- it's actually digging a hole, now just like it did in the back when Hickory Woods school was built, the water washed away the dirt. And that dirt is all going in the lake, all the junk is going in the lake. When it leaves my property on the house side of the road, it's
nice and clean. It goes through the reeds and a long stretch of grass, goes through the pipe, it picks up the dirt after it gets out of that pipe on the lakeside.

I would like to see that pipe extended to the lake and maybe two more or three more on my side by my house, so my driveway doesn't have to curve.

I'm worried also about the noise from the -- like Al said, from the music on the deck or parties in the parking lot, or entertainment if they're allowed to bring entertainment outside in the parking lot, I wouldn't want to see that.

As far as getting closer to the road, I think it's a hazard, but, you know, you guys will figure that out.

I think that's it for me.

CHAIRPERSON FERRELL: Thank you, sir. Mr. Secretary, any correspondence?

MR. GHANNAM: We have five mailed notices, zero returned mail, two approvals and one objection.

The first is an approval from Gordy and Audrey of 1345 East Lake Drive, Novi, 48377, "we are in support of the proposed ordinance, outside seating for a
lakeside" -- looks like restaurant -- "is an obvious benefit for all residents in the city. Sundance Grill and Cantina have done a nice job clearing up the corner of Fourteen Mile and East Lake Drive, and a nice well-done patio would be a great way to welcome people to Novi via East Lake Drive. Keep up the good work."

Second approval is from Mark and looks Islay, I-s-l-a-y, last name is S-z-e-t-i-e, best I can read it, from 1317 East Lake Drive, Novi. "We would welcome the addition of an outdoor patio. We support all small businesses on the lake and want them to succeed because we enjoy them so much. Good luck."

There is one objection from first initial C, Kernen, K-e-r-n-e-n, 1167 East Lake Drive, "Mr. Ted Audrey has owned this property for over 30 years. I have lived in the same house for almost 50 years, eight doors away. Mr. Audrey has never taken care of his property, fence, weeds, never cut" -- looks like weeds never cut -- "cut by the city, when neighbors complain. Absentee landowner."

That's it.
CHAIRPERSON FERRELL: Okay.

Anything from the city?

MR. WALSH: No comments at this time. Thank you.

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

MR. GHANNAM: I just have a few questions.

If the applicant would just simply comment or respond to the two neighbors, if you don't mind, and their concerns.

MR. MAMOLA: The site plan has been engineered by Sibert Kiest (ph), Cliff Sibert specifically, for those of you who may not know, Cliff more than 30 years ago was the original author of the City of Novi storm water master plan. Very knowledgeable about storm drainage issues.

If you look at the site plan, the area a little just south of the site there is a number of little lines connecting. I can't speak to the specific engineerings, but I know that there is -- the site drainage was a very high priority by the city engineering department. And there were a number of submissions and resubmissions and
dialogue about how to resolve and address the proper site drainage for this and it was finally addressed at the preliminary, and it will go forward under review, under final site plan review.

So it is a concern by the city engineering department, and I believe that it has been technically addressed.

It is a retention pond, so if the water will storm into there when it does storm, it will flow into there and slowly drain off in a designed manner or fashion.

MR. GHANNAM: So it is currently an existing problem, the drainage and now this engineering --

MR. MAMOLA: Well, right now, the site doesn't -- the design I'm talking about is not there, of course. It has to go with the improvement of the parking lot.

MR. GHANNAM: That I understand. As it exists right now, drainage is an issue on the property?

MR. MAMOLA: According to the one neighbor, it sounded like it was an issue -- it sounded like it might drain onto his property. I don't believe it will from this design on this parcel.
MR. GHANNAM: How about the noise issue that they were --

MR. MAMOLA: I would assume and presume that that is guided more by other parts of the ordinance and may be more of an enforcement factor.

Maybe Mr. Andris could talk about the operation point of view of it and what he intends to do during the summer hours.

Ted?

CHAIRPERSON FERRELL: State and spell your name for the court reporter.

MR. ANDRIS: My name is Ted Andris, A-n-d-r-i-s, and I am owner of this establishment. And I have owned the property around it for 35 years with my partner's widow.

And it's kind of interesting that the people who are complaining about the noise never came to me. I know both of these people. As a matter of fact, one of them I consider a good friend, Dave Clark, and he's never mentioned it's noisy or anything.

And it's totally never been complained to me by any neighbor and the other gentlemen, Mark, I believe, he's never
come over.

I mean, you would think someone would address it. Somebody.

Nothing -- we only have a band once in a while on a Saturday night and no windows are open. The windows are all closed.

So it's like that's the first I have ever heard about a noise problem. I know that they both complained about boats being out on the lake in front of their home. They were complaining about that before I even bought this property and I think Dave has even explained to me, you can't regulate the boats on the lake. It's everybody's lake. And so that's that.

I consider the boats, and I have said this to, Dave, are competition. They're not going to come to our restaurant if they are on a boat getting their drinks from a party store and a cooler.

So, you know, if they were banned from using the lake in that area, selfishly speaking, I would be very happy, but I know the boat -- I mean, it's got a right to be there, too, so -- I could very freely accept the boats not being there. It
would be a benefit.

So the noise has never been brought up to my attention. The place looks, in my opinion, 100 percent better, the food is better. And the other lady who objected, Mrs. Kernen, she owned the infamous Frigates bar, which was there for 20 years, which had a reputation nothing like ours. It was not a restaurant, it was a flat-out bar. It had motorcycles and all kind of noise going up and down East Lake Drive.

This is perhaps more of an aggressive statement that I'm making, but it's so contrary to what our communications have been, that I'm compelled to say this, and I'm shocked to hear that it's noise.

MR. GHANNAM: Your entertainment will be on the inside?

MR. ANDRIS: Of course.

I mean, I get nothing but compliments from the people in the area. So I'm kind of like left with just that to say. Any questions I will be glad to answer.

CHAIRPERSON FERRELL: Thank you. Anybody else on the board have any questions?

MS. GRONACHAN: Good evening. I
just want to clarify a couple of things.

I am concerned, as a board member, we always take what the residents have to say seriously and make sure that things get worked out. I'm saddened to hear that no one approached the owner.

I was there on Sunday. They were weed whacking the weeds along the side of the fence east of Fourteen Mile.

My question is, the driveway to the south, if you're on East Lake Drive, the driveway on that side of the building, that's the driveway that's going to stay or that driveway is actually going to move?

MR. MAMOLA: Right now, I guess I would describe it as a driveway slash parking area. It's really hard to say what the driveway is there.

All of that asphalt area that you see there today will be removed. The area of that -- there will be a driveway onto East Lake Drive, you see the site plan diagram, as far as to the south as we can make it, yet still be compliant within the lines of the property and so on.

There is a green area in there that will help define the parking access and
the drive and there are landscape plans that were submitted for approval previously that will be up for enforcement as well as, too.

So there will be a defined separate curb cut versus today where they're dodge-em cars, I guess.

MS. GRONACHAN: So the lot to the south again, I'm stumbling because it throws me off, the east, west part, but that --

where that driveway that I'm speaking of earlier, that lot is going to be now part of this property and that's where the expansion for the parking is going to take place?

MR. MAMOLA: The parking and the drainage ponds, et cetera, and some greenbelt area, all occurs to the south.

Again, if you look at the little diagram, there is kind of a lighter gray parking area that surrounds the building. That's pretty much the existing parcel as it exited up until about two years ago when Mr. Andris purchased the property and it became one parcel.

So we are able now to expand that driveway, you see kind of a light blue, dark gray, light gray, dark gray, it kind of straddles that previously existing parking
line, moves it a little bit to the south so we can define a greater front yard greenbelt area.

MS. GRONACHAN: The neighbor that voiced his concerns about the drainage, he is to the south of that, correct?

MR. MAMOLA: Yes, ma'am.

MS. GRONACHAN: Are you familiar with that property?

MR. MAMOLA: I am not very familiar with the homeowner's property, no.

MS. GRONACHAN: I don't really have a problem with this. I just hope that someone -- I would almost like to put in here, or mention to the other board members, that that particular neighbor's concerns get addressed, and that the city, once again, looks at what he's saying about drainage.

As being a member on the board previous and being a long time resident, I know that there is a lot of water issues here, and in the past, what we have said won't happen, actually did happen, and not through the petitioner's fault. I mean, things with the rain, and I mean, look what happened last night on 696, nobody knows for sure.
So being that the resident took time to voice his concerns and that there is something going on there now, I don't know how we can get that in here.

So we may need help from either counsel or the building department to have this addressed for -- to make sure that that water issue that's there now gets looked at again. Am I saying it correctly?

MR. WALSH: Yes, you are. It will be taken care of during the final construction documents for the site plan, from our engineering department.

MS. SAARELA: It's part of the site plan review. The final site plan hasn't been granted, that issue is still going to be approved in the future.

MS. GRONACHAN: Is there some recourse that the resident that voiced his concern, he can stay on top of so this -- will someone visit him so this -- he was talking about the extra pipes to carry the water. Does he go see the building department?

MS. SAARELA: He will be free to call anyone in the building department tomorrow or one of the engineers, Adam, would
be familiar with the issue.

MS. GRONACHAN: Okay. I apologize. I don't know the neighbor's name, but I hope he heard that he can freely contact the building department for those additional questions.

That's all I have.

CHAIRPERSON FERRELL: Thank you.

MR. SANGHVI: Thank you, Mr. Chair. I just had only one concern about this.

This is about the sidewalk around Fourteen Mile, going to be an issue here in the planning department. (Inaudible).

MR. GHANNAM: Mav, they can't hear you.

MR. SANGHVI: I'll start again. I have only one concern, that's about the sidewalk along Fourteen Mile Road, Mr. Mamola.

Would you like to address that problem?

MR. MAMOLA: I can tell you that there are some other pathway type amenities along East Lake Drive, a bicycle lane as an example. That was a part of the previous
appeal to the city council to not put a sidewalk on that part of East Lake Drive.

That would be on the --

MR. SANGHVI: I'm talking about Fourteen Mile Road.

MR. MAMOLA: Fourteen Mile Road there is a sidewalk that extends from East Lake Drive all the way to the east to the end of the property line. Yes, there is a full length sidewalk proposed there.

MR. SANGHVI: That is going to be eliminated?

MR. MAMOLA: Pardon me? I didn't hear you.

MR. SANGHVI: According to this plan, that sidewalk, that part of the sidewalk is going to be eliminated?

MR. MAMOLA: There will be a newly constructed sidewalk, if there is -- right now all we have is kind of rag tag asphalt area to the north of the building. That will come out and be cleaned up.

There will be a new sidewalk constructed north of the building from the driveway onto Fourteen Mile Road. There will be another sidewalk constructed from the
driveway extending eastward and connecting to
an existing sidewalk that's on the
neighboring parcel. So there will be a
continuous walkway from the apartment complex
east of us all the way to East Lake Drive.

Does that answer your
question?

MR. SANGHVI: Thank you.

CHAIRPERSON FERRELL: Anybody
else?

MR. GERBLICK: While I have heard
the concerns of the residents in the area, I
think the only issue in front of the board
tonight would be the front and sideyard
setbacks.

I don't believe we have the
ability to grant any changes on what the
planning commission and city engineering
department would be in charge of.

So with that in mind, I don't
have any problem with the front and sidewalk
setback variance requests in front of us.

All that's I'd like to say.

CHAIRPERSON FERRELL: Anybody

else? Entertain a motion.

MR. GERBLICK: In Case No.
PZ14-0028, Sundance Grill and Cantina, I
grant that we grant the variances as requested as there are unique circumstances or physical conditions of the property, such as the preexisting structure which exists and the positioning of the current building, as well as the entry points to the property.

This need is not self-created, as the building is a preexisting, non-conforming structure. And strict compliance with regulations governing area setback, frontage, height, bulk, density and other dimensional requirements will unreasonably prevent the property owner from using the property for a permitted purchase.

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

MR. GHANNAM: Second.

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

(No audible response.)
CHAIRPERSON FERRELL: Seeing none, Ms. Pawlowski, can you call the roll, please.

MS. PAWLOWSKI: Member Gerblick?
MR. GERBLICK: Yes.

MS. PAWLOWSKI: Member Ghannam?
MR. GHANNAM: Yes.

MS. PAWLOWSKI: Member Gronachan?
MS. GRONACHAN: Yes.

MS. PAWLOWSKI: Member Ibe?
MR. IBE: Yes.

MS. PAWLOWSKI: Member Sanghvi?
MR. SANGHVI: Yes.

MS. PAWLOWSKI: Chairperson Ferrell?
CHAIRPERSON FERRELL: Yes.

MS. PAWLOWSKI: Motion passes six to zero.

MR. MAMOLA: Thank you.

CHAIRPERSON FERRELL: Case No. 0033

P214-0029, 43655 West Oaks Drive, Home Goods.

Please state and spell your name for the reporter and then be sworn in by the secretary.

MR. DETERS: My name is Kevin Deters from Metro Detroit Sign. My last name is D-e-t-e-r-s.
MR. GHANNAM: Do you swear or affirm to tell the truth in this case?

MR. DETERS: Yes. Home Goods recently had a 65 square foot wall sign removed from their property. It was a neon sign. They're reworking the facade, and due to their setback off of West Oaks Drive and how their frontage is going to be sort of reconfigured and slightly longer horizontally, they're asking for more than a 65 square foot sign, which is what they had previously.

Obviously, it serves its purpose and Home Goods can still exist and be open with a conforming sign, but they just weren't happy with how small that sign would look on their new facade, which is in the process of being done right now, it's not complete.

I'm not sure if you all were able to head out to the site over the weekend and take a look at that, but we weren't able to put the mock sign above the center of the entrance of the facade.

They asked us not to because they're still doing work there, so we sort of put the mock banner off to the right, if
you're looking at the main entrance.

Home Goods' site doesn't have -- or I should say, is set back farther off of West Oaks Drive than maybe Carabba's or Best Buy, which sort of neighbors that property. Those kind of butt up closer to the streets where traffic -- where the signs would be visible from traffic.

So really, they're just looking for something slightly larger than what they had previously. They had a two and a half foot letter set. We are proposing a four foot vertical letter set.

If the board feels that that is too extreme, then we would be -- they also have a three and a half foot letter set that's available or a three-foot.

It's not like we are asking, you know, hey, let us operate as a business. I mean, we understand that they can still operate with the conforming sign they just -- with the money and the efforts that they're putting into redoing their facade, they would like to upgrade their signage that they have.

It's going from neon to LED and they would like to make it a little bit larger, if they can.
I would be happy to answer any questions.

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

(No audible responses.)

CHAIRPERSON FERRELL: Seeing none, Mr. Secretary any correspondence?

MR. GHANNAM: There was 18 mailed notices, one return mail, zero approvals, zero objections.

CHAIRPERSON FERRELL: Okay. Anything from the city?

MR. WALSH: No comments at this time.

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

MR. SANGHVI: Thank you, Mr. Chair.

I did look at your new mockup sign there. And I noticed you couldn't put it where it belonged, so I understand that. To me it didn't look too big to look out from the roadway along there, and I have no problem with that sign. Thank you.

MR. DETERS: Thank you.

CHAIRPERSON FERRELL: Anybody
else?

MR. IBE: Thank you. Sir, other than the fact that Home Goods is not happy with the sign they have, tell me what is -- what is the exceptional about your business that is different from other businesses located on the same strip, you know, which --

MR. DETERS: Right, I understand. I understand that most, you know, if not all businesses in that shopping center would have the same issue, and you're absolutely correct.

So I'm not -- I'm not going to try to pull the wool over your eyes here and make up some sort of story about that.

MR. IBE: Please don't. Because I don't want to catch you in a lie.

MR. DETERS: It's just basically since they're redoing their facade, they're upgrading to an LED sign instead of a neon sign. They didn't think that their old sign that was just under 65 square feet was quite large enough. They wanted to try to get a slightly bigger sign. Nothing absurd or anything like that. But I'm not going to sit here and say, you know, that Home Goods plight as a business is any different than
Carabba's or Best Buy or Marshalls or anything like that because it really isn't. I can't speak for those companies either, so I'm not going to try to do that.

MR. IBE: I like your candor, by the way. Thank you for being honest.

Just a quick follow-up. Tell me, what will be -- assuming that we fail to grant your request, will that prevent Home Goods from operating its business in the normal course of the way they have been doing it in the past?

MR. DETERS: I don't understand the question. Say that again.

MR. IBE: If we were to deny your request, will that prevent Home Goods from operating its business in the normal course of the way it's done business in the past?

MR. DETERS: No, they could still be a functioning store.

MR. IBE: Home Goods is not saying this is affecting customers from finding them because I have been there quite a few times and I know where it is.

MR. DETERS: Right. My response to would be, you're a Novi resident. You're
familiar with that shopping center. Not everyone is as familiar as you are with that area. So you know the city, you're on the board. You know, not everyone is as familiar with the place as you are.

MR. IBE: So are you saying that this sign should be visible from what, the road?

MR. DETERS: Not from Novi Road. It can't be. It's just -- as you head -- what direction is that -- west, on West Oaks Drive, the buildings I believe get slightly farther and farther away from West Oaks Drive.

So Carabba's and Best Buy that are at the corner are closer to West Oaks than, you know, what -- I believe Marshalls is next door, that's a little bit farther, then Home Goods is a little farther -- bit farther back, so on and so on.

It kind of goes in a rounded or a horseshoe shape.

That was my reason for mentioning that earlier was that Home Goods is set back sightly farther back off the road than Carabba's and Best Buy and Marshalls just because of the structure of the mall.
MR. IBE: All right. I must tell you right now, sir, based on what I'm hearing, and what I have read so far, I will reserve judgment is what I will do, but if I were to make a decision based on the evidence you presented, as well as the -- taking the language of the ordinance and applying it strictly, I certainly will not be in support of this. Thank you.

MR. DETERS: Go ahead.

CHAIRPERSON FERRELL: Question for the city. Is other businesses, are they all in compliance with the 65 square feet?

MR. WALSH: Basically, yes. There are some signs in there that have been in front of the board, that this board has granted some variances, but the majority of the signs are about 65 square feet. Thank you.

CHAIRPERSON FERRELL: Thank you. Anybody else?

MS. GRONACHAN: Good evening. I do believe that what you're asking for is too big. However, when driving into West Oaks, I understand what your point is in regards to not everybody is from Novi.

We are close to the Suburban
Showplace, people come from out of town, they want to go shopping. But Home Goods does have a sign at the corner of West Oaks and Novi Road. So that helps identify that it's within that complex somewhere.

However, I don't believe that the old sign was big enough, given the conformity or the layout of that complex.

And I do agree with you that when you're driving down West Oaks that visibility, if you're trying to look for it, plus it's not the easiest road to drive through because people are -- they're not really -- they're all looking for stores, they're not really paying attention or they're trying to get to their destination, which could be Gander or Best Buy or whatever.

So I believe that there should be a bigger sign, but I don't believe that it should be a four-inch letter. I think that the mockup is way too big.

And my suggestion, especially since I heard you something about a three-foot, I would almost be in support of that given my -- given the reasons that I stated.
And that is the distance, as you mentioned earlier, the further you drive in, the building is further away, they're doing new landscaping there, it's difficult to see, but I don't think four feet is -- I think that's too excessive.

MR. DETERS: Okay. Actually a three-foot letter set would put them back at 62, 63 square feet, that's basically what they had before, more or less.

MR. GHANNAM: I got a comment on that. That's what I'm trying to figure out. You say that if you are given three-foot letters, at least in height, you would be given a 79.5-foot --

MR. DETERS: That's if you use the same horizontal measurement as a four-foot set.

MR. GHANNAM: But that's what the City of Novi does, does it not? That's how they calculate square footage. You have been before us before, have you not?

MR. DETERS: Yes, but what I'm saying is a three-foot letter set does not have the same horizontal measurement as the four-foot letter set does.

MR. GHANNAM: There you go. What
does it have? That was my next question.

You showed that it's 26 and a half foot in length, four-foot height of this letter set.

MR. DETERS: The three-foot letter set has a horizontal measurement of 20-foot 10 inches.

MR. GHANNAM: Twenty foot --

MR. DETERS: Twenty foot 10 inches. That's 63 square feet, when you do three by 20-foot by 10.

Which is comparable to the sign that they had before.

There is also a three-foot, three and a half foot letter set, which the horizontal measurement is 24-foot four inches, which gives you total area of about 86, just under 86 square feet. It's 85 point --

MR. GHANNAM: That's three and a half?

MR. DETERS: Three and a half by 24-foot, four inches is the next smaller letter set that Home Goods has.

And unfortunately we have to conform to some custom sign designs that they
already have. We can't make a Home Goods
sign, you know, specific to a certain height
and width because it's a corporation.

So they have a certain set of
designs that they have to maintain in order
to stamp the Home Goods name on that store.

MR. GHANNAM: I appreciate you
telling me. It is a chain and they have,
you're saying three different sets of
letters?

MR. DETERS: Yes.

MR. GHANNAM: So the question is,
if you go down to a three-foot, it's going to
basically comply with our ordinances. It
will be just under the 63?

MR. DETERS: Correct.

MR. GHANNAM: If you go to three
and a half, you said it will be about 85
point --

MR. DETERS: It's 85 point
something. It's just under 86. I don't know
if it's 85.2 or --

MR. GHANNAM: Then the four-foot
goes to 104, which is almost double what our
ordinance requires -- or limits?

MR. DETERS: Right.

MR. GHANNAM: With those types of
analyses, again, just my personal opinion, I do agree that 104 is excessive. I have been by that place a million times. I never really had a problem seeing it. But I don't think some relief would be harmful, especially given that particular shopping district, so I would be in support of the three and a half by whatever you said the length is.

MR. DETERS: I believe it's 24 foot 4 inches, but it's just under 86.

MR. GHANNAM: I would be in support of then a variance to have you construct a sign up to let's say 86 feet, would that make sense?

MR. DETERS: Sure. Could we make it 87. I might be just under.

MR. GHANNAM: That's not a problem with me. You do have to make sure, you know, you're still in compliance instead of coming to that.

That is what I would be in support. I think some relief is appropriate.

MR. DETERS: I understand, and I think Home Goods would be ecstatic about that.

MR. GHANNAM: I'll go ahead and
make a motion if no one else has any
questions.

In Case P214-0029, for Home
Goods at 43655 West Oaks, I move that we
grant the petitioner a variance to construct
a sign no greater than 87 square foot
limiting it to this particular tenant only
during its tenancy.

The request is based on
circumstances or features that are
exceptional and unique to the property.
Specifically this is a unique shopping
district in Novi, that is very well-known and
well traveled.

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

And the grant of relief will
not result in the use of a structure that is
incompatible or unreasonably interferes with
adjacent or surrounding properties and will
result in substantial justice being done to
the applicant and surrounding properties.

MS. GRONACHAN: Second.

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

(No audible responses.)

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

MS. PAWLOWSKI: Member Gerblick?

MR. GERBLICK: Yes.

MS. PAWLOWSKI: Member Ghannam?

MR. GHANNAM: Yes.

MS. PAWLOWSKI: Member Gronachan?

MS. GRONACHAN: Yes.

MS. PAWLOWSKI: Member Ibe?

MR. IBE: Yes.

MS. PAWLOWSKI: Member Sanghvi?

MR. SANGHVI: Yes.

MS. PAWLOWSKI: Chairperson Ferrell?

CHAIRPERSON FERRELL: Yes.

MS. PAWLOWSKI: Motion passes six to zero.

MR. DETERS: Thank you.

CHAIRPERSON FERRELL: Case No. P214-0030, 27225 Wixom Road, Catholic Central High School.

Please state and spell your name for the reporter.

MR. WOZNIAK: My name is Andy Wozniak, A-n-d-y, W-o-z-n-i-a-k. We are
working with Catholic Center.

CHAIRPERSON FERRELL: Raise your right hand and be sworn in by the secretary.

MR. GHANNAM: Do you swear or affirm in this case to tell the truth?

MR. WOZNIAK: I do. I'm a civil engineer and we are working with Catholic Central on this project.

With me tonight is Michael Wilson from Catholic Central and Greg Kritzer (ph), who will be working on this project.

CC is proposing a new parking lot on the campus, and it's 288 spaces, and they're in desperate need of a parking lot for student and event parking.

The final site plan was approved by the city subject to ZBA issuing the variance for a rear yard setback.

We are seeking this variance tonight. CC owns a total of four parcels. There is the main campus and that little arm that goes to the north and then three parcels located north of the main campus.

To avoid a variance during the approval process, CC proposed combining all four parcels into one.

At that time, we were informed
by city assessing department that that
couldn't be done because the three northern
parcels are in the Lyon school district, and
the south main campus is in the Novi school
district.

As an alternative, we have
since applied to combine the three north
parcels into one parcel that's in front of
assessing right now. And the south parcel
would remain a separate parcel. The setback
in question is basically the line between the
main campus and the north property.

It's essentially an interior
property line. Again, it would be combined
if we could, but because of the school
districts, we can't.

Without this variance, the
parking lot, as its proposed and approved,
subject to your variance, cannot be built.
CC really needs this parking and we request
that you grant this variance.

Have any questions, I can
answer them.

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

(No audible responses.)
CHAIRPERSON FERRELL: Seeing none, Mr. Secretary any correspondence?

MR. GHANANM: We have six mailed notices, two return mail, zero approvals, zero objections.

CHAIRPERSON FERRELL: Anything from the city?

MR. WALSH: No comments.

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

MR. GHANANM: Sir, I have taken a look at this proposal and actually have been there many times for events.

And although I don't know what your maximum capacity is when you have football and so forth, those type of events, I'm sure you need it. Certainly it doesn't affect any of your neighbors.

I mean, this is an interior material lot. School always need more parking for students. You know, I have no problem with this, so I will be in support of it.

CHAIRPERSON FERRELL: Anybody else?

MR. SANGHVI: Just one question.

How many trees are you going to cut?
MR. WOZNIAK: What's that?

MR. SANGHVI: How many trees are you likely to cut?

MR. WOZNIAK: I think there is eight regulated trees that are going to be taken down and then replanted with --

MR. SANGHVI: Are you going to plant something?

MR. WOZNIAK: We have to plant -- whatever the tree count is, two for one or whatever. We have been approved for --

CHAIRPERSON FERRELL: Thank you.

Anybody for a motion?

MR. GERBLICK: I move that in Case PZ14-0030, Catholic Central High School, we grant the variance as requested, as there are unique circumstances and physical conditions of the property due to the interior property line that the setback is infringing.

The need is not self-created and strict compliance with regulations would be unnecessarily or unreasonably -- would not unreasonably prevent the property owner from using the property for a permitted purpose.

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

MS. GRONACHAN: Second.

CHAIRPERSON FERRELL: Seeing a
motion and a second. Any further discussion?
(No audible responses.)

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

MS. PAWLOWSKI: Member Gerblick?
MR. GERBLICK: Yes.

MS. PAWLOWSKI: Member Ghannam?
MR. GHANNAM: Yes.

MS. PAWLOWSKI: Member Gronachan?
MS. GRONACHAN: Yes.

MS. PAWLOWSKI: Member Ibe?
MR. IBE: Yes.

MR. GHANNAM: Member Sanghvi?
MR. SANGHVI: Yes.

MS. PAWLOWSKI: Chairperson
Ferrell?

CHAIRPERSON FERRELL: Yes.

MS. PAWLOWSKI: Motion passes six
to zero.
MR. WOZNIAK: Thank you.

Moving onto Case No. PZ-14-0031, 21050 Haggerty Road, McDonald's restaurant.

Please state and spell your name for the reporter.

MR. PALAZZOLO: Dominic Palazzolo, D-o-m-i-n-i-c, P-a-l-a-z-z-o-l-o.

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

MR. PALAZZOLO: Yes, I do.

I'm speaking on behalf of McDonald's. We are requesting a variance to get a -- actually two wall logos added to the building facade.

The new configuration of the building runs horizontal with Haggerty Road, which has caused a little bit of a lack of identification on that side of the road.

The only sign that we have actually permitted right now is the one end logo facing that side of the road.

We are actually square footage wise allowed up to 65 square foot for one wall sign. But as far as the code goes, we are only allowed two building signs all
What we are proposing for the three logos would be one on the north side of the building and one on the south side of the building to pick up flow of traffic on Haggerty Road.

The additional signage that we are asking for is actually under the square footage maximum allowance. All three logos only equal up to about 42 square feet. It's basically just taking it and spreading it around the building is what we are trying to do.

We are also asking to add one more directional sign at the road right adjacent from the one that's already approved on the opposite side of the driveway which comes out to about three square feet total.

So all in all we are actually about 20 square feet under the maximum allowance. It's just a matter of placement on the building.

CHAIRPERSON FERRELL: Thank you.

Anybody in the audience have any questions or comments?

(No audible responses.)

CHAIRPERSON FERRELL: Seeing
none. Go ahead and read the correspondence.

MR. GHANNAM: We have 15 mailed notices, zero returns, zero approvals, zero objections.

CHAIRPERSON FERRELL: Anything from the city?

MR. WALSH: No comments.

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

MR. GHANNAM: I have no problem with this, sir. I know you are reconstructing the building. I know we granted variances for the Taco Bell nearby.

It's always difficult to try to retrofit a brand new building under old ordinances and so forth. Yet other ordinances, when it was originally built, now you have new.

But clearly it's one of the most busiest intersections we have got in this area and probably in the state. I drive by every single day. You do need some assistance, so I have no problem with this.

MR. PALAZZOLI: Thank you.

CHAIRPERSON FERRELL: Anybody else? Hear a motion.

MR. IBE: I will take it. In
Case No. P214-0031, McDonald's restaurant at 21050 Haggerty Road, I move that we grant the petitioner's request as requested, for the following reasons.

One, the request is based upon circumstances and features that are exceptional and unique to the property and do not result from conditions that exist generally in the city or that are self-created.

This particular establishment is located in a very busy street, and busy intersection for that matter.

Driving either (unintelligibility) on Haggerty, you can almost pass it before you realize it's right there. So I think the additional signage will obviously be appropriate here.

Second, the failure to grant relief will unreasonably prevent the limited use of this property, and last but not least, the grant of relief will not result in the use of the structure that is incompatible or unreasonably interferes with adjacent or surrounding properties.

And let me state that the
surrounding properties that -- McDonald's is also a restaurant, like with Taco Bell, we have had to grant a variance in the past to also help out with visibility and the granting of this relief is consistent with this spirit of the ordinance.

MS. GRONACHAN: Second.

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

(No audible responses.)

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

MS. PAWLOWSKI: Member Gerblick?

MR. GERBLICK: Yes.

MS. PAWLOWSKI: Member Ghannam?

MR. GHANNAM: Yes.

MS. PAWLOWSKI: Member Gronachan?

MS. GRONACHAN: Yes.

MS. PAWLOWSKI: Member Ibe?

MR. IBE: Yes.

MS. PAWLOWSKI: Member Sanghvi?

MR. SANGHVI: Yes.

MS. PAWLOWSKI: Motion passes six to zero.

MR. PALAZZOLO: Thank you.

CHAIRPERSON FERRELL: Moving onto Case No., PZ14-0032, 43700 Galway Drive.
Please come up and state and
spell your name for the reporter.

MR. BOUSQUET: Jack Bousquet,
J-a-c-k, B-o-u-s-q-u-e-t.

MS. BOUSQUET: And Joyce,
J-o-y-c-e, same last name.

CHAIRPERSON FERRELL: Raise your
right hand and be sworn in by the secretary.

MR. GHANNAM: Do you both
solemnly swear or affirm to tell the truth?

MR. BOUSQUET: Yes.

MS. BOUSQUET: Yes.

MR. BOUSQUET: We want to put a
covered front porch on the front of our house
on Galway.

We have been there since 1971,
and all the other homes -- or some of the
other colonials in the area have them.

We have decided we are at the
age now we can enjoy our front porch, but
it's not covered currently.

These are two homes in the
area that are already covered and then ours
is the one that's not.

There is a front porch there
right now, cement porch, which I understand
doesn't enter into the setback dimension.
And therefore, by putting a covered porch on, I would be infringing on the setback by a few feet.

Our house also, even though we're -- our setback is 30 feet from the lot line, we also have an extra wide area between our lot line and the street, which is about 20 feet for most of the homes, the next street are just -- those other two pictures, those homes are -- only have about four or five feet between the sidewalk and the street.

So our house actually sets further from the street than the 30-foot setback required.

Other than that, we want to enjoy the front porch and can't right now when it's raining.

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

(No audible responses.)

CHAIRPERSON FERRELL:

Mr. Secretary, any correspondence?

MR. GHANNAM: We have 27 mailed notices, one returned, zero approvals, zero
objections.

CHAIRPERSON FERRELL: Anything from the city?

MR. WALSH: No comments at this time.

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

MR. SANGHVI: Thank you, Mr. Chair.

I came and looked at your property a couple of days ago. Actually I was quite surprised that your colonial doesn't have a porch in the front. Most of the colonials do have that, and if you want to have it, I have no problem with it.

Thank you.

MR. BOUSQUET: Thank you.

CHAIRPERSON FERRELL: Anybody else?

MR. GERBLICK: I have a question for the city. Is the setback as is a non-conforming structure on the property line?

MR. WALSH: That is correct. It's 29.6, as it, you know, sits today, 30 feet is the minimum.

MR. GERBLICK: Thank you.
CHAIRPERSON FERRELL: Anybody else?

Entertain a motion.

MR. GERBLICK: In Case No. PZ14-0032, 43700 Galway, I move that we grant the variance as requested, as there are unique circumstances or physical conditions of the property, as the setback is currently non-conforming and the shape of the lot and the existing structure would not impede on any setback of the surrounding properties.

The need is not self-created. Strict compliance with regulations governing area setback, frontage, height, bulk, density or other dimensional requirements will unreasonably prevent the property owner from using the property for a permitted purpose or render conformity with those regulations unnecessarily burdensome.

The requested variance is the minimum variance necessary to do substantial justice to the applicant as well as surrounding property owners in the district, and the requested variance will not cause an adverse impact on surrounding property, property values or use and enjoyment of the property in the neighborhood.
MS. GRONACHAN: Second.

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

(No audible responses.)

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

MS. PAWLOWSKI: Member Gerblick?

MR. GERBLICK: Yes.

MS. PAWLOWSKI: Member Ghannam?

MR. GHANNAM: Yes.

MS. PAWLOWSKI: Member Gronachan?

MS. GRONACHAN: Yes.

MS. PAWLOWSKI: Member Ibe?

MR. IBE: Yes.

MS. PAWLOWSKI: Member Sanghvi?

MR. SANGHVI: Yes.

MS. PAWLOWSKI: Chairperson Ferrell?

CHAIRPERSON FERRELL: Yes.

MS. PAWLOWSKI: Motion passes six to zero.

MR. BOUSQUET: Thank you very much.

CHAIRPERSON FERRELL: Case No. PZ14-0033, 44480 West Eleven Mile Road.

Please state and spell your name for the reporter.
MR. KLOCKE: Yes, my name is Glenn Klocke, G-l-e-n-n, K-l-o-c-k-e.

MR. GHANNAM: Do you swear or affirm to tell the truth in this case?

MR. KLOCKE: I do.

I'm requesting a front and sideyard setback, a variance for the setback.

The front setback, if you have gone by the property, we had a fire nine months ago, and just have settled with the insurance company, so now we are ready to put it back together. That's why it's sitting in the condition that it is for so long.

I have pulled a permit for it sometime ago. And had hoped to start way before this, but the insurance company, we had to take them to arbitration and it is settled now.

I'm requesting a front yard setback no further than what I have already on the garage side. I'm asking to bump that out on the front and make a little jog in there, esthetically to make it more appealing from the road, is what I'm trying to do.

I want to stone the other side, like I've got on the garage, put a double gable there, and some shakes, across
the front there and dress up the front of the
house so it doesn't look so flat and bland
right now.

The sideyard setback is due
to -- I want to add onto the bedroom section
there. That was a two bedroom home. I have
two children that live with me. I have taken
care of over the years. I have taken care of
my mother who passed away there with us and
along with a grandfather, all four of us --

five of us lived in that home with two
bedrooms.

And I want to make it -- I
want to make it handicap compliant because I
realize after taking care of two people like
that, bringing in hospital bed, when there
wasn't room for them, doorways that wouldn't
fit, access around the bed, when they brought
equipment in to take care of when they were
under Hospice care, so I want make sure that
this -- if I do this, I have got enough room
for -- to take care of my now in-laws who
just moved back from Phoenix or back from
Arizona and are getting up in age, too.

So that's why I'm asking for a
little extra room on the side setback.

CHAIRPERSON FERRELL: Thank you.
Anybody in the audience have questions or comments?  

(No audible responses.)

CHAIRPERSON FERRELL: Seeing none, correspondence?

MR. GHANNAM: We have 16 mailed notices, zero returns, two approvals, one objection.

The first approval is from Joshua Glass, 44490 West Eleven Mile Road, and he circled the word approval.

The second approval is from Donna Melonio, M-e-l-o-n-i-o, 26105 Laneez (ph) Road. It indicates "we have no objections to this variance request".

One objection is from Joanne Ward, W-a-r-d, 47460 Eleven Mile Road, it says as follows, "an ordinance is an ordinance to be obeyed by all Novi citizens. If each request for an ordinance is approved, then all ordinances should be abolished."

That's it.

CHAIRPERSON FERRELL: Anything from the city?

MR. WALSH: Just one comment.

Looking at the floor plan, GA A1, it appears that the existing garage is going to be
I just want to make sure it's clear with the applicant, the garage is going to remain?

MR. KLOCKE: Yes, absolutely.

MR. WALSH: That's all I have.

MR. KLOCKE: I'd like to make it bigger, but --

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

MR. SANGHVI: Thank you, Mr. Chair. I came and looked at your property on Sunday morning. Looked around, when did you have a fire there?

MR. KLOCKE: September 24th of last year.

MR. SANGHVI: Well, I'm sorry to hear that you had a fire. Maybe it was a blessing so you can make an improvement.

MR. KLOCKE: Well, that's not what I was hoping for, but --

MR. SANGHVI: I am happy to learn you are planning to help parents out, too.

MR. KLOCKE: We have done it and know it will happen again. You know, we are just --

MR. SANGHVI: You need an
expansion and I have no problem with it.

Thank you.

CHAIRPERSON FERRELL: Hear a motion. Any further discussion?

MR. IBE: In Case PZ14-0033, 44480 West Eleven Mile Road, I move that we grant the applicant's request as requested. First there are unique circumstances of the physical conditions of this property, such as the shape and the topography of this physical condition. And a need for a variance is not due to the applicant's own personal economic difficult. In other words, the need is not self-created. The applicant has obviously eloquently talked about how they have cared for elderly relatives in the past, and will be carrying for the elderly relatives in the future. And the fact that he will be make this basically more handicap accessible is very -- I think very important. And currently the way the building is situated, it makes it difficult for you to meet the need of the occupants, who obviously happen to be the applicant.

Strict compliance with
regulation governing the area setback, frontage, height, bulk, density or dimensional requirements will obviously prevent -- unreasonably prevent the property owner from using the property for a permitted purpose.

The requested variance is the minimum variance that is necessary to do substantial justice to the applicant as well as to other property owners in the district. Granted there was one objection, but I think that the need for it far outweighs the concerns that were raised by the sole objection that we had.

And finally the requested variance will not cause an adverse impact on surrounding property and property values or the use and enjoyment of other companies in the neighborhood.

In fact, I think that the improvement to this property will, in fact, enhance the property and also increase the property values in the area, so kudos to you, sir, for making an improvement.

Based on all of this, I therefore move that we grant the petitioner's request.
MR. SANGHVI: Second.

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

(No audible responses.)

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

MS. PAWLOWSKI: Member Gerblick?

MR. GERBLICK: Yes.

MS. PAWLOWSKI: Member Ghannam?

MR. GHANNAM: Yes.

MS. PAWLOWSKI: Member Gronachan?

MS. GRONACHAN: Yes.

MS. PAWLOWSKI: Member Ibe?

MR. IBE: Yes.

MS. PAWLOWSKI: Member Sanghvi?

MR. SANGHVI: Yes.

MS. PAWLOWSKI: Chairperson Ferrell?

CHAIRPERSON FERRELL: Yes.

MS. PAWLOWSKI: Motion passes six to zero.

MR. KLOCKE: Thank you.


State and spell your name for
the reporter.

MS. MCHUGH: My name is Charlene McHugh, C-h-a-r-l-e-n-e, M-c-h-u-g-h.

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

MS. MCHUGH: I do. My husband and I have purchased the four lots on Beck Road right near Eleven Mile Road and lot 15 that we are talking about right now is very long and narrow.

And the variance that was requested that was requested and approved last September of 2013 allowed a house 25 feet wide to be built on that lot.

We are requesting a variance to a build a 30-foot wide.

And the reason for that is that a lot -- a house 25 feet wide would be odd in that location. I think it would deter from the home values in the area.

I think by adding five feet more to the east it would not cause any hardship because the lot to the east of us is actually a double wide lot and their house impinges on the second lot, so they could not sell the lot directly to the east anyway, so
they use that lot as part of their building footprint.

But a 25-foot wide house is a very odd shape house, where 30-foot allows us to be more, I believe, esthetically pleasing to the environment. And so that's why we are hoping to build a 30-foot wide house there.

CHAIRPERSON FERRELL: Thank you.

MS. MCHUGH: I did include in the stuff I sent you the plot plan and the footprint and the overview of the four lots that we purchased so you can see that the lot next to us will not be negatively impeded by setting that setback.

And I also have a letter that I included hopefully in your lot from the Pioneer Meadows subdivision approving of this variance, which is basically 10-foot to the east.

So it's one of the lots in Pioneer Meadows and the Pioneer Meadows subdivision approved of this variance request.

CHAIRPERSON FERRELL: All set. Thank you. All right.

Anybody in the audience have any questions?
Seeing none, correspondence?

MR. GHANNAM: We have 16 mailed notices, three returned mailed notices, zero objections, zero approvals.

CHAIRPERSON FERRELL: Anything from the city?

MR. WALSH: No comments at this time.

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

MR. SANGHVI: Thank you.

(Inaudible).

THE REPORTER: I can't hear you.

MR. SANGHVI: Start again.

Such a narrow place that you can't build anything worth while without the variance that I can understand why you need them.

I have no difficulty in supporting your request. Thank you.

CHAIRPERSON FERRELL: Anybody else?

MS. GRONACHAN: I agree. I think that this is a minimum request, based on the information that you provided in your packet, and to the conformity of this particular lot, I would support this request.
MR. GERBLICK: I notice in your application you were also looking for us to extend the one year requirement to remain down to 18 months.

MS. MCHUGH: That's because the previous variance allowed us to break ground by March 1st and we are hoping to do that, but we can't gauge what the winter is going to do.

So we would like another six months extension on the previous variance so we have the allowance to break ground in the spring, assuming we may have a harder than normal springtime.

In other words, the previous variance allowed us to build a house but we had to break ground before March 1st.

And according to the builder that we have looked at, he said we are looking for February 1st, but we can't predict what the winter is going to do, so we may need another month or two to break ground and the previous variance would not allow that, so assuming you did not grant the variance today, then the previous variance to allow a 25-foot house would expire on March 1st.
MR. GERBLICK: Question for the city. With the grant of this variance would they then get a full year from the grant of this variance to break ground?

MR. WALSH: Eighteen months, because if you grant the request for 18 months, it would start from today. But if you don't grant the 18 month, it will be a 12 month period from today.

MR. GERBLICK: Okay.

MS. MCHUGH: We would be okay with 12 months. We plan to break ground in the spring. With a 30 foot wide house, we just want a little pencil house, you know.

MS. GRONACHAN: Can I just clarify.

So the previous variance that expires on March 1st, 2015, that expires -- if once we vote on this variance, that's what I think -- that's what you were trying to clarify?

MR. GERBLICK: Yes.

MR. WALSH: This would supercede the variance granted last year.

MS. GRONACHAN: Then she would not need an extension for 18 months?

MR. WALSH: That's correct.
MS. GRONACHAN: Thank you for that clarification.

CHAIRPERSON FERRELL: Anybody else or a motion?

MR. GERBLICK: Case No. PZ14-0034, I move that we grant the variance for the minimum front yard setback and minimum rear yard setback and the aggregate sideyard setback as requested as there are unique circumstances or physical conditions of the property as the lot is significantly smaller than the current zoning district and it's a non-conforming lot within the zoning district. And the need is not self-created.

The variance is the minimum variance necessary to do substantial justice to the applicant as well as other property owners in the district.

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

MS. GRONACHAN: Second.

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

MR. SANGHVI: Did you want 18
months or just 12 months?

MR. IBE: Twelve months.

CHAIRPERSON FERRELL: I'm okay with that. Did you say 12 months?

MR. GERBLICK: I didn't. I didn't. On the period of time since -- from the grant of today it will be a 12 month extension.

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

MS. PAWLOWSKI: Member Gerblick?

MR. GERBLICK: Yes.

MS. PAWLOWSKI: Member Ghannam?

MR. GHANNAM: Yes.

MS. PAWLOWSKI: Member Gronachan?

MS. GRONACHAN: Yes.

MS. PAWLOWSKI: Member Ibe?

MR. IBE: Yes.

MS. PAWLOWSKI: Member Sanghvi?

MR. SANGHVI: Yes.

MS. PAWLOWSKI: Chairperson Ferrell?

CHAIRPERSON FERRELL: Yes.

MS. PAWLOWSKI: Motion passes six to zero.

MS. MCHUGH: Thank you very much.

CHAIRPERSON FERRELL: Other
matters? Case one, are we tabling that case?

MR. IBE: I think it's been
tabled before.

MS. PAWLOWSKI: It has been
tabled twice. They have been contacted.
They just have not responded.

MS. SAARELA: It depends what you
want to do. If you want to table it, move to
table it.

If you want to deny it, you
are going to have to go through the factual
motion of why you're denying it, that they
didn't meet the standards.

CHAIRPERSON FERRELL: Somebody
want to do a motion for either one?

MS. GRONACHAN: Did we hear from
them at all?

MS. PAWLOWSKI: I have spoken to
them twice. They were supposed to get back
with me. They were aware that they were
tabled. I'm assuming they don't want to go
forward, but that's just my assumption.

CHAIRPERSON FERRELL: I don't
want to table it again.

What kind of facts do we need?

MS. SAARELA: Just that they
didn't establish the need for a variance.
So you would make a motion to deny, go through the standard and say that, you know, they didn't provide any facts to show that there is a exceptional unique circumstance of the property.

CHAIRPERSON FERRELL: Somebody want to go ahead and do that.

MS. GRONACHAN: Case No. 0081

P214-0012, Stoneridge Office Park at 44050 Twelve Mile Road, I move that we deny the request based on the following reasons, on two separate meeting nights, the petitioner failed to appear.

The request has not been -- I'm sorry. The petitioner has not been present to present circumstances which are unique to justify the request, therefore, it does not enable the board to grant any kind of relief to this property. Is that okay?

MS. SAARELA: That's fine.

MR. GHANNAH: Second.

CHAIRPERSON FERRELL: Motion and second, any further discussion?

(No audible responses.)

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

MS. PAWLOWSKI: Member Gerblick?
MR. GERBLICK: Yes.

MS. PAWLOWSKI: Member Ghannam?

MR. GHANNAM: Yes.

MS. PAWLOWSKI: Member Gronachan?

MS. GRONACHAN: Yes.

MS. PAWLOWSKI: Member Ibe?

MR. IBE: Yes.

MS. PAWLOWSKI: Member Sanghvi?

MR. SANGHVI: Yes.

MS. PAWLOWSKI: Chairperson Ferrell?

CHAIRPERSON FERRELL: Yes.

MS. PAWLOWSKI: Motion passes six to zero.

CHAIRPERSON FERRELL: Any other matters from anybody on the board or the city?

MR. GHANNAM: I will move to adjourn.

MR. GERBLICK: Second.

CHAIRPERSON FERRELL: All in favor say aye.

THE BOARD: Aye.

CHAIRPERSON FERRELL: Any opposed?

(No audible responses).

CHAIRPERSON FERRELL: Seeing
none, we are adjourned.

(The meeting was adjourned at 8:19 p.m.)

** ** **

STATE OF MICHIGAN )
 ) ss.
COUNTY OF OAKLAND )

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

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

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

_________________  _________________________
Date              Jennifer L. Wall CSR-4183

Oakland County, Michigan