REGULAR MEETING - ZONING BOARD OF APPEALS

CITY OF NOVI

March 14, 2017

Proceedings taken in the matter of the ZONING BOARD OF APPEALS, at City of Novi, 45175 West Ten Mile Road, Novi, Michigan, on Tuesday, March 14, 2017

BOARD MEMBERS

Mav Sanghvi, Acting Chairperson
Jonathan Montville, Secretary
David Byrwa
Brent Ferrell
Linda Krieger
Thomas Nafso
Joe Peddiboyina

ALSO PRESENT:

Beth Saarela, City Attorney
Lawrence Butler

Coordinator: Monica Dreslinski, Recording Secretary
REPORTED BY: Jennifer L. Wall, Certified Shorthand Reporter
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Tuesday, March 14, 2017

Novi, Michigan

7:00 p.m.

** ** **

CHAIRPERSON SANGHVI: Good evening. It's time to call the ZBA meeting for the City of Novi to order.

Will you please all rise and join me in the Pledge of Allegiance.

(Pledge recited.)

CHAIRPERSON SANGHVI: Thank you. Monica, will you please call the roll.

MS. DRESLINSKI: Member Byrwa?

MR. BYRWA: Here.

MS. DRESLINSKI: Member Ferrell?

MR. FERRELL: Here.

MS. DRESLINSKI: Member Krieger?

MS. KRIEGER: Here.

MS. DRESLINSKI: Member Nafso?

MR. NAFSO: Here.

MS. DRESLINSKI: Member Montville?
MR. MONTVILLE: Present.

MS. DRESLINSKI: Member Peddiboyina is absent, unexcused.

Chairperson Sanghvi?

CHAIRPERSON SANGHVI: Here.

MS. DRESLINSKI: And Chairperson Gronachan is absent, excused.

CHAIRPERSON SANGHVI: At this point, if anybody wants to make any statement to the board about any subject other than those on the agenda tonight, you are welcome to do it at this point.

Seeing none, we will move onto the next item on the agenda.

Is there any change in the agenda?

MS. DRESLINSKI: The very first case will be tabled until the April 11th meeting. So it's PZ16-0063.

CHAIRPERSON SANGHVI: All right. Chair will entertain a motion to table Case No. PZ16-0063.

MR. FERRELL: So moved.
MS. KRIEGER: Second.

CHAIRPERSON SANGHVI: Motion has been made and seconded. All those in favor signify by saying aye.

THE BOARD: Aye.

CHAIRPERSON SANGHVI: Motion carries.

We will move onto the first case of the evening. That is PZ17-0004, C & S Twelve Mile Center, 41935 Twelve Mile Road, south of Twelve Mile Road and west of Meadowbrook, 50-22-14-200-025.

If the applicant is here, please kindly come to the podium.

Would you please state your name and address for our recording secretary. Are you an attorney?

MR. MURPHY: No.

CHAIRPERSON SANGHVI: Will you please be sworn in by our secretary. State your name and address.

MR. MURPHY: David Murphy, 706 Florence Avenue, Royal Oak, Michigan 48067.
The property that I am standing here for is --

MR. MONTVILLE: Swear you in if you don't mind.

Raise your right hand. Do you promise to tell the truth in the testimony you are about to give?

MR. MURPHY: I do.

CHAIRPERSON SANGHVI: Please state your case. Thank you.

(Whereupon Member Peddiboyina is now present.)

MR. MURPHY: We are requesting a dimensional variance of about two feet eight inches for 41935 West 12 Mile Road. It's C & S Twelve Mile Center.

I have a presentation to give. I'll kind of explain to you guys the site and what we are looking to do.

So this is the overall site. We have an existing three story building on it, as it lies today. We have a new tenant moving into the facility and one of the stipulations in the contract is to relocate a generator and a switch gear associated with the generator.
So the entrance is at the northwest corner of the site, Twelve Mile runs this direction here (ind) and -- let's see. Here is the proposed generator location. And over here is the proposed switch gear location.

We have an existing dumpster in the back corner here, and that is the property line that goes all the way around.

So what we are looking to do is close off the parking area in front of this switch gear, and get a dimensional variance for approximately two foot eight inches because we do not meet the six foot setback from the property line here.

So from this point to here, we are about to the edge of the slab right about three foot four inches and we're providing arborvitaes screens on all three sides except for the area where we are providing no parking.

The DTE Energy line turns onto this site right at this location. That is one of the reasons why we are proposing the location, for us and for DTE to provide the
switch gear in this location.

There is no adverse impact to surrounding properties because we are screening and we also have limited room in this location to put this switch gear. I mean, because of how the parking lot is laid out, there is not many other chances we can put -- other locations where we can put the generator -- I am sorry, the switch gear.

Here is the switch gear, it's about eight inches wide, by 44 by 100 inches tall. And we are asking you guys for the two foot eight inch variance closer to the property line than six feet.

Any questions?

CHAIRPERSON SANGHVI: Thank you. We will come back to you, if necessary. Is there anybody in the audience that would like to make any comments about this case?

Seeing none, thank you. City, do you have any comments to make?

MR. BUTLER: Yes. Question for you. I noticed that the screening that you had
around the switch gear, you didn't put none in
the front because that's facing the parking
lot, the concrete runs all the way into that
curb right there?

MR. MURPHY: Yep.

MR. BUTLER: You are aware that
it does have to meet the city's noise standards
for the generator?

MR. MURPHY: We do, yes.

MR. BUTLER: That's fine.

CHAIRPERSON SANGHVI: Thank you.

Got any kind of correspondence?

MR. MONTVILLE: Fourteen letters
mailed, one letter returned, zero approvals and
zero objections.

CHAIRPERSON SANGHVI: Thank you.

Open it up to the board.

MR. BYRWA: I was wondering, what
was the required amount of parking there? Did
you meet that or were you already short, or --

MR. MURPHY: We meet it by very
few. I think we are a few parking spots over.

MR. BYRWA: So eliminating one,
you're still within the required parking?

MR. MURPHY: Yes.

MR. BYRWA: Good. Thank you.

CHAIRPERSON SANGHVI: Anybody else?

MS. KRIEGER: According to the fire marshal, you're installing a protective barrier around the new generator?

MR. MURPHY: Correct, we are. We have guard posts. I wasn't really focusing on the generator here, but we do have guard posts along the back side of the generator.

CHAIRPERSON SANGHVI: Anybody else?

I did come and see your property and looked at it and I know where you are going to place it. And I appreciate you coming over here and making a presentation. Thank you. Like to entertain a motion.

MS. KRIEGER: Do you have a question?

MR. MONTVILLE: I'm prepared to make a motion.
In Case No. PZ17-0004, the applicant, C & S Twelve Mile Center, LLC, I move that we grant the variance as requested for the following reasons. The petitioner has shown a practical difficulty requiring the additional generator and the corresponding switch box on the east side of the lot. This property is unique due to the non-created nature of the existing structure and also the DTE energy line entering the property at the specified location given by the applicant where the switch box is going.

The petitioner did not create these conditions. And the relief, when granted, will not unreasonably interfere with any adjacent or surrounding properties as the switch box will be screened in, and due to the neighbor on the east side has a similar type of an outpost or electrical structure, looks very similar, so from an esthetic standpoint, there will be no negative impact. The relief is consistent with the spirit and intent of the ordinance. For those reasons, I move that we
grant variance as has been requested.

MR. FERRELL: Second.

CHAIRPERSON SANGHVI: Motion has been made and seconded. Any further discussion?

Seeing none, Madam Secretary, will you please call the roll.

MS. DRESLINSKI: Member Byrwa?

MR. BYRWA: Yes.

MS. DRESLINSKI: Member Ferrell?

MR. FERRELL: Yes.

MS. DRESLINSKI: Member Krieger?

MS. KRIEGER: Yes.

MS. DRESLINSKI: Member Nafso?

MR. NAFSO: Yes.

MS. DRESLINSKI: Member Montville?

MR. MONTVILLE: Yes.

MS. DRESLINSKI: Member Peddiboyina?

MR. PEDDIBOYINA: Yes.

MS. DRESLINSKI: Chairperson Sanghvi?

MS. DRESLINSKI: Chairperson Sanghvi?
CHAIRPERSON SANGHVI: Yes. Thank you.

MS. DRESLINSKI: Motion passes seven to zero.

CHAIRPERSON SANGHVI: Congratulations. Go ahead and do the necessary things.

MR. MURPHY: Thank you.

CHAIRPERSON SANGHVI: I am going to go back where we started. The minutes for January 2017.

Is there any additions or deletions on the minutes as presented?

MS. DRESLINSKI: No.

CHAIRPERSON SANGHVI: Seeing none, may the Chair entertain a motion to approve the minutes as presented.

MR. FERRELL: So moved.

CHAIRPERSON SANGHVI: Motion has been made, second?

MR. NAFSO: Second.

CHAIRPERSON SANGHVI: All those in favor say aye.
THE BOARD: Aye.

CHAIRPERSON SANGHVI: Those opposed. None. Thank you.

Let's go onto the next item on the agenda.

The next case for us is PZ17-0005, Gary Ehlers, 1705 East Lake Drive, north of Thirteen Mile Road and west of Novi Road, Parcel #50-22-02-357-015.

The applicant is requesting a variance from the City of Novi Zoning Ordinance Section 4.19 to allow for the installation of a sunroom slash storage room in the side yard. The property is zoned one family residential, R4.

Is the applicant here? Will you please come forward and state your name and address and if you're not an attorney, please be sworn in by our secretary.

MR. EHLERS: My name is Gary Ehlers. I live at 170 East Lake Drive in Novi. This is my fourth variation.

I have come four years in a row to ask for a
variance on a little cottage. I probably could
have done this a little smarter, did it all at
once.

MR. MONTVILLE: Have you raise
your right hand and be sworn in.

Do you promise to tell the
truth in the testimony you are about to give?

MR. EHLERS: Yes.

CHAIRPERSON SANGHVI: Go ahead.

MR. EHLERS: The variance we are
asking for on this little cottage, it's on a
small lot, is for the -- it says on the side
yard, but it's the back of the house. That's
really where you can only park there. And we
looked at putting a garage in there. We didn't
have enough space.

You know, so what we are doing
is putting a shed and a sunroom in the back.
Because when you enter the house in the back,
that's where you park. When you walk right
into the house, I mean, with no sunroom and no
backyard, you're walking right into the house,
no place to put your coat, no mud room or
anything like that, so it's a smaller shed,
with a closet in the sunroom and we are going
to have is a little sunroom in the back. And I
really believe it's just going to make it a lot
more usable. It's going to blend in with the
house.

The house has been, gosh,
pretty much redone many times already. And I
think that was the best thing we could do. We
still need parking in the back. We can still
get three vehicles in the back, but we couldn't
do a garage and get parking in the back, so
this is an opportunity.

But again, it's not on the
side yard, it's still within the dimensions of
the house from the front to back.

The only exception on the
drawing, if you have that on the last -- on the
lot, the builder came out and he would just as
soon take it from the back of the house to
13 feet instead of what it says 10 feet,
because there is -- we have got a cement
driveway. There is a saw cut right there. He
would like to do the saw cut right there, that still leaves us almost 19 feet before we get to the edge of Chapman. I don't know if Chapman is really a road. I think it's a service road. I don't know if there any houses or addresses on it. It only runs from Endwell (ph) to Monticello.

And I guess that's what we're asking for the variance for, to add on a little sunroom, a little storage unit in the back.

We currently have a storage unit because that's going to be torn down. It's going to be a smaller one, and the sunroom, so that we can have some closets and some stuff to get in the back of the house. Because it's a little cottage, you never have enough storage, so --

CHAIRPERSON SANGHVI: Thank you. Anybody in the audience who would like to make any comments about this case? Seeing none, city?

Mr. Butler?

MR. BUTLER: Yes. Due to the
unique nature and shape of this lot, he doesn't really have a whole lot of area to go to, so I can see that's in the spirit of just trying to find some parking for his car. He does have a need for that. If he can't go anyplace else without exceeding the request on setback variances.

CHAIRPERSON SANGHVI: Thank you.

Mr. Secretary, any correspondence?

MR. MONTVILLE: We have 74 letters mailed, six letters returned, three approvals all from the same individual, Mark Adams, at 1721 East Lake Drive, looks great and appreciates the design of the house and mentions the applicant is a quote, nice guy.

CHAIRPERSON SANGHVI: Members of the Board?

MR. BYRWA: Yes, I got a question for the city here.

Was there a check to see if there was no easements or anything running between the lot lines in the side yard?

MR. BUTLER: For the ZBA, no, but
when he came up with the design of the house
that had to have been checked for the property.

MR. BYRWA: Thank you.

CHAIRPERSON SANGHVI: Anybody else?

MS. KRIEGER: Yes. Question.

You said on the map here, on the picture that
it's 10 feet and it's going to be 13 feet. Is
that encompassed in here?

MR. EHLERS: There should be a --
I think the plot plan on the back, the last
one, it basically takes you from the edge of
the house, it says it's going back 10 feet,
then it says it's got 20 feet to the road.
Well, it's more -- it's going back 13 feet to
the saw cut and there is almost -- there is
about 19 feet, so this dimension is wrong. The
builder is asking can you do the 13, because he
wants to save the saw cut and do it
accordingly. I'm still 18, 19 feet plus.

MS. KRIEGER: Would that have to
be redone, then?

MR. BUTLER: Yes, if he's
changing the dimensions of what he's requesting
as to what he's advertised, then he would have
to come back and resubmit.

   MS. SAARELA: Only if he's
increasing.

   MR. BUTLER: Are you
increasing --

   MS. SAARELA: The variances.

   MR. EHLERS: Well, I guess he
said I guess I don't have to, but the builder
would like me to. But I guess I can. All I'm
going to do is change the bottom line, I guess.
Does that take a long time with --

   MS. SAARELA: You have to
renotice it with different variances. So it
would have to be next month.

   MR. BYRWA: If we see the
non-conformity, we have to readvertise and
renotify everybody. Let anybody know that it's
different than what you actually proposed.

   MS. KRIEGER: You have to repay
the application fee?

   MR. BYRWA: No.
MS. KRIEGER: It's up to you.

CHAIRPERSON SANGHVI: Do we have to table this?

MR. EHLERS: I don't know that I want to wait --

MS. DRESLINSKI: If you just want to ask for the 10 feet, ask for the 10 feet, maybe talk about it with your builder, if you want to come back for the 13 feet, but you can keep it at 10 feet if you want to get approval or a straight objection today, it's up to you.

MR. EHLERS: I guess, I don't want to really wait and run into May and June, do all of that. I just like to approve it as is and if that's what it is, I would just have him, you know, deal with the 10 feet, I guess. I mean, I guess just ignore my request because I guess if I wanted to do that, I would have to come back and apply and be another -- what's that two months.

MS. DRESLINSKI: We could get you on the April meeting.

CHAIRPERSON SANGHVI: Your
choice.

    MR. EHLERS: Oh, boy. If you could do it in April, what date?

    MS. DRESLINSKI: April 11.

    MR. EHLERS: Oh, boy. I am sorry I'm taking this much time. I guess I will come back then on the 11th. Can I just change this back page and come in and see.

    MS. DRESLINSKI: You will have to submit new drawings, you can add the extra three feet, then you will have to update your application. We will have to readvertise though.

    MR. EHLERS: Sorry about that.

    CHAIRPERSON SANGHVI: I move to table it to the April 11 meeting.

    MR. BYRWA: I would like to make a motion to --

    CHAIRPERSON SANGHVI: I would entertain a motion to table this case.

    MR. FERRELL: Second.

    CHAIRPERSON SANGHVI: Motion has been and seconded. All those in favor say aye.
THE BOARD: Aye.

CHAIRPERSON SANGHVI: Those opposed. Motion passes. We will see you next month.

Next case. PZ17-0006, 22575 Heslip Drive, north of Nine Mile Road. The applicant is requesting a variance from the City of Novi Zoning Ordinance Section 4.19 to allow for the installation of an accessory use structure in the side yard.

Please state your name, address. And if you are not an attorney, be sworn in by our secretary. Thank you.

MR. PROUX: Scott Proux, PM Technologies at 29395 Wall Street, Wixom, Michigan 48393.

MR. MONTVILLE: Raise your right hand, sir. Do you promise to tell the truth in the testimony you are about to give?

MR. PROUX: I do.

CHAIRPERSON SANGHVI: Go ahead.

MR. PROUX: I have a little presentation. Site location at 22575 Heslip
Drive, Novi, Michigan. The site school district is Novi, site zoning is I1, light industrial, the site uses are offices and warehouse. The adjoining zoning is northeast and south are I1, light industrial, west is RM1, and the site size is approximately one acre.

What we are proposing is a generator installation at the existing building at 22575 Heslip Drive in Novi, and northwest of the building between the parcel lot line to the north and the building.

The paperwork submitted to the ZBA was approved contingent to their recommendations of the generator sitting 10 foot off of the existing building, and shrubs on all three sides of the generator.

This is just a drawing of what we are proposing. This is kind of like a site drawing of the existing site off of Heslip Drive, but the back of the generator will be ten foot off the building, the front of the generator with the depth of 37 inches will put
us at six foot nine inches of the property line
next door. We are going to have shrubs on all
three sides so those shrubs on the property
line will be three foot nine inches off the
property line.

   The generator dimensions are
98 inches long, 37 inches deep and 43 inches
high.

   This is a site layout. I
didn't put a thing in there, like I should
have, but you see where Heslip Drive is, the
northwest side of that building where the back
of the parking lot there is a blue car, just to
the north there, that's where we are proposing
to put the generator. That's right next to
where a dumpster sits.

   This is the picture of the
site. My customer site at 22575 Heslip is on
the left. Their neighboring lot is on the
right.

   This is the array of grass
that we have room to put the generator. It's
20 feet wide, so their property line is right
where -- it's kind of right where the neighbor's parking lot is, to where the grass starts, that's where the property line is, it's about 20 feet right there.

Where we are proposing to put it, is next to where the dumpster sits, in this back corner. Like I said, we are going to be 10 foot off the building, which would put us six foot, nine inches off that property line, with the depth of that generator being at 37 inches.

This is basically a picture of what the generator was going to look like. It got approved with the dba level. I know that was a question earlier. It's a 67 dba. It's the quietest generator on the market today. I guess my -- after seeing -- I have never done this before, so I didn't know how to do it.

Is there anything else you would like to know about the property? Anything I need to propose? When can we get started on the installation? What's the next steps?
CHAIRPERSON SANGHVI: Thank you.

Is there anybody in the audience who would like to make any comments about this case?

Seeing none, Mr. Butler.

MR. BUTLER: Yes, question. Some of the dimensions that you are reading aren't the dimensions that I have on my tab. So we need to get a correction. Also you have an option one and option two. You have to tell us what option that you want.

MR. PROUX: The ZBA board, I got an email about a week and a half ago, the ZBA board did not approve number one because it's too close to Heslip Drive. They approved number two, which is back by the dumpster, hence I changed it on my Power Point.

MS. DRESLINSKI: Do you mean the Planning Commission?

MR. PROUX: Planning Commission.

Sorry.

MR. BUTLER: You had stated that the back of the generator is going to be, in your estimation, nine feet from the building?
MR. PROUX: On my drawing, no, I am putting 10 feet. That's what the Planning Commission approved is 10 foot off the building. There is other neighboring -- I did get site photos, but I didn't want to cause trouble here tonight. So there is other generators that are within three foot of the building, which I originally proposed. But they made the recommendation of being 10-foot off the building, which is normally for a diesel generator, for a natural gas generator that I am proposing is three foot is what the manufacture recommends.

But to meet the City of Novi's ordinances, we are going to be 10-foot.

MR. BUTLER: The only problem we have here is what we have here, the drawing says three foot, you're saying ten foot, so this is what was advertised.

MR. PROUX: I asked for three foot, because that's what the manufacturer recommended, but the Planning Commission told me that everything is approved contingent upon
me meeting their requirements, which is 10 foot
off the building. If I could do three foot, I
would love to do three foot.

   MS. KRIEGER: If it's 10 foot,
shouldn't it be safer?

   MS. SAARELA: Is it closer to
meeting the standard that way?

   MS. KRIEGER: I would think so
yes, because it's less -- if it's three feet is
the minimum, he's asking four something, that's
different -- better than minimum.

   MR. BYRWA: But you're not giving
a true scenario to the neighboring properties.
You have to readvertise again, I would think.
But any deviation from the original proposal --

   MS. SAARELA: It's not a
deviation. If you are increasing the variance.
So you have to determine whether it's an
increase in the variance. If you are
decreasing the variance, you don't have to
readvertise.

   MR. BYRWA: Right, but I would
think if you are adding numbers or adding
setbacks, you would be increasing, but we could vote on that.

MS. KRIEGER: According to the ordinance, I mean, it's a safer distance. If it's closer to the building, it creates -- because of the generator, it can create fire, so closer to the building, more fire, if it's farther away, you have a less chance of fire, so it's safer. So then it's a decrease in variance.

MR. BYRWA: But what you are doing, if you were the neighbor --

MS. SAARELA: I don't see where this is changing the variance -- the terms of the ordinance.

MR. FERRELL: What is the ordinance, is it 10 feet or three feet?

MS. SAARELA: It's not based on feet. It's based on location.

MR. FERRELL: Why do they come up with 10 feet?

MS. SAARELA: The Planning Commission is looking at some other standards,
maybe safety standards. They're looking at further 10 feet, but that's not what we are looking at here. We are looking at a zoning ordinance requirement to prohibit it in the side yard. So we are just looking at the side yard issue.

MR. FERRELL: Not the distance?

MS. SAARELA: No.

MR. FERRELL: So the three feet that has been advertised it really doesn't affect us?

MS. SAARELA: No.

MR. BUTLER: No. We should be okay then.

CHAIRPERSON SANGHVI: Before we go to that, is there any correspondence?

MR. MONTVILLE: There were 27 letters mailed, two letters returned, and zero approvals and zero objections.

CHAIRPERSON SANGHVI: Okay. Now, we can really open it to the board before we get to that part.

So anybody wants to make a
MR. BUTLER: One last question.

Drainage for that site, do you run into any drainage because there is a swell there that you're going to have to deal with?

MR. PROUX: We didn't notice any. There is no drains over on that side that we noticed. On the two locations we submitted, there was nothing near those.

MR. BUTLER: Okay. No further questions.

MR. BYRWA: You know, my question is, in a lot of cases, the original building, when it was built, the size of that building was based on -- or a lot of times they're based on what they call an open perimeter increase, which means the access of emergency fire trucks and stuff can come around the building and address any kind of emergency going on in the building.

When you start putting up things next to the building or far away from the building, you start compromising the open
perimeter increase that the size of the building was granted on.

I guess the question to the building department, did anybody check on the allowable size of the building in the open perimeter increase, and then secondly, if putting up a generator would decrease the open perimeter increase?

MS. DRESLINSKI: Does it help that the fire marshal also already looked at the plans and approved it?

MR. BYRWA: That would weigh a lot, yes, okay.

CHAIRPERSON SANGHVI: Okay. Anything else before we go to a motion? Okay. I would entertain a motion.

MS. KRIEGER: I would like to say you made a nice presentation.

MR. PROUX: Thank you.

MS. KRIEGER: In Case No. PZ17-0006, for Preventative Maintenance Technologies on Heslip Drive, I move to approve the request -- grant the request for the
variance to install the installation of the accessory structure in the side yard.

That the petitioner has established that the property is unique. It is in an I1 district. The physical conditions enable the generator to be placed where it is proposed. It's not self-created. The petitioner will be unreasonably prevented from using it, so necessary when they looked at all the areas, and the fire marshal approved the location and the way it's positioned. And established that the variance is the minimum variance necessary, and the requested variance will not adversely impact surrounding neighboring properties or values or the enjoyment of their properties since the generator will be a quiet one.

MR. PEDDIBOYINA: Second.

CHAIRPERSON SANGHVI: A motion has been made and seconded. Any further discussion? Seeing none, please call the roll.

MS. DRESLINSKI: Member Byrwa?

MR. BYRWA: Yes.
MS. DRESLINSKI: Member Ferrell?
MR. FERRELL: Yes.

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

MS. DRESLINSKI: Member Nafso?
MR. NAFSO: Yes.

MS. DRESLINSKI: Member Montville?
MR. MONTVILLE: Yes.

MS. DRESLINSKI: Member Peddiboyina?
MR. PEDDIBOYINA: Yes.

MS. DRESLINSKI: Chairperson Sanghvi?
CHAIRPERSON SANGHVI: Yes.

MS. DRESLINSKI: Motion passes seven to zero.
CHAIRPERSON SANGHVI: Thank you.

Congratulations.

Next case is P17-0007, 39475 Ten Mile Road. The applicant is requesting a variance in the City of Novi Code of Ordinance, 28-5, to allow three 20.65 square foot wall
signs. This property is zoned as office
service. Is the applicant here. Go ahead.

Please state your name and
address, and if you are not an attorney, please
be sworn in by our secretary. Please go ahead.

MS. DIACHENKO: My name is Eva
Diachenko, D-i-a-c-h-e-n-k-o. My address is
24849 Hathaway Street, Farmington Hills,
Michigan 48335.

MR. DIACHENKO: Gene Diachenko,
Euko Signs, 24849 Hathaway, Farmington Hills,
Michigan 48335.

MR. MONTVILLE: Can you both
raise your right hands, please. Do you promise
to tell the truth in the testimony you are
about to give.

MS. DIACHENKO: Yes.
MR. DIACHENKO: Yes.
MS. DIACHENKO: On behalf of
Comerica Bank, we are requesting a variance to
install three wall signs on the tower that will
be constructed on their site at 39475 West Ten
Mile. Construction on the site is beginning
today or tomorrow this week.

Each wall sign that is proposed is approximately two foot by 10-foot which actually complies with the 65 square foot maximum that a business with a ground sign is allowed. So we are not asking for more square footage and signage, we are just simply asking for more signs.

Currently the site has a monument sign, which is approximately two foot by 10-foot, with a one foot by eight foot lower section. And there is no wall signage on the site. To have three wall signs on the branch tower would watch Comerica Bank's standard signage guidelines for all the new towers that are being constructed.

We do have some additional photos of other branches across the State of Michigan that have multiple signs on all the side of the towers. Typically three sides of the tower has a wall sign.

If we left one side of the tower blank, visually it might appear
unbalanced and a bit awkward so a sign on each
of the visible tower walls would be the best in
terms of design and architecture for the
building.

In terms of safety, for
signage, the three tower signs will increase
visibility for people finding the branch and
turning into the bank. During peak travel
times in that area, such as rush hour, and
around the lunch time, the area can be very
congested, so if people are able to see the
branch from a greater distance, they might be
able to more safely turn into the branch's
driveways as they approach, instead of quickly
maneuvering and causing a bad traffic
situation.

The signs also will indicate
the bank's entrance to people as far as when
they're on the site, where they need to go to
enter the branch.

Other nearby businesses, such
as the restaurant to the east of the bank have
been allowed additional signage, also at
Comerica's Beck and Grand River location in Novi, additional signage was also allowed. So it doesn't seem that out of line with the city's image given the fact that signage will be constructed with high quality materials to industry standards and will reflect a corporate professional image that Comerica Bank has.

It not only will benefit the bank as a business, but we think the community as a whole because signage reflects growth within a community, which seems to align with the same philosophy and vitality that the City of Novi has.

CHAIRPERSON SANGHVI: Thank you. Anybody in the audience would like to make any comments about this case, this is the time to do so.

Seeing none, Mr. Butler.

MR. BUTLER: Just wanted to clarify that the monument sign, is it remaining?

MS. DIACHENKO: Yes.
CHAIRPERSON SANGHVI:

Mr. Secretary, any correspondence?

MR. MONTVILLE: Yes, there were 38 letters mailed, two letters returned and zero approvals and zero objections.

CHAIRPERSON SANGHVI: Thank you.

Open it up to the board. Ms. Krieger.

MS. KRIEGER: Question, how is the business doing now as it's currently sitting, and then in the proposed building, the tower itself is signage, so how is that self-created?

MS. DIACHENKO: How the bank is doing right now for business?

MS. KRIEGER: Yes.

MS. DIACHENKO: Okay. I mean, it's kind of difficult to see that branch actually driving by, so I think that is a problem that's always remained with that particular branch. Just especially around congested traffic.

MS. KRIEGER: You don't have
statistics on the usage of it?

MS. DIACHENKO: No, I don't.

MS. KRIEGER: And then developing the tower, that increases visibility by itself.

MS. DIACHENKO: The tower, yes.

Comerica's branding standard has always been to put their logo on the towers that are being constructed. They're refurbishing several branches, so it's basically an identity for their business.

MS. KRIEGER: I am just having difficulty because, usually it's the building had signage and a monument sign, so that's where I am sitting right now. Thank you.

CHAIRPERSON SANGHVI: Thank you.

MR. MONTVILLE: With the way the building sits right now, it's kind of tucked back to the southern part of Ten Mile. The monument sign is nice, but it is difficult to see, especially if you are coming from Haggerty, and two, even pretty quick flow, it's not really backed up, it's relatively quick flow on Ten Mile, it matches up to you really
quick.

The way the building sits back visually, it's tough to really pick it up unless you are almost on the top of it. So, you know, I understand the tower, but I don't have a problem with that being self-created. I think the actual location of the building being tucked back is not self-created and adding some visibility elevated, would make it a lot easier to see. I don't have any problems with the request, but again, I will open it up to fellow board members as well.

CHAIRPERSON SANGHVI: Anybody else?

MR. NAFSO: I would also add when you're heading west down Ten Mile, the business that is directly to the east of the bank comes out much further than the bank does. So as you are crossing Haggerty, in fact, when you're further east of Haggerty, you really can't even see the bank, you can only see the business that's -- the restaurant that's to the immediate east of the business, so I would say
that having a sign that's higher up would
certainly help increase visibility, especially
if you are coming off the intersection of
Haggerty.

CHAIRPERSON SANGHVI: Thank you,
Mr. Nafso.

MR. PEDDIBOYINA: Just say I
don't (unintelligible) the tower and the name,
Comerica Bank, do you think the business is
going to be improved?

MS. DIACENKO: I think it would
definitely. It will make the business's
presence more great within the City of Novi.
Right there, you know, it's the border of the
Novi and Farmington Hills, if you're traveling
west, so kind of welcomes people into the city,
so to speak.

MR. PEDDIBOYINA: Thank you. I
have no issue.

CHAIRPERSON SANGHVI: Thank you.

MS. KRIEGER: One other question.

Is the footprint of the new building going to
be closer to Ten Mile?
MS. DIACHENKO: I don't believe so.

MR. DIACHENKO: Just the distance of the tower, it's just a few feet.

MS. KRIEGER: Okay. Thank you.

CHAIRPERSON SANGHVI: Very good. I have no known where you have been ever since you started there, long before that. I have no difficulty finding your place, but I can see the problem coming from the east side and coming to -- it's not easy to see very quickly to be able to turn in there. Traffic volume has changed a lot since I came to Novi 40 years ago.

And I can see the need for more visibility, and I also see the need for keeping up with the corporate kind of policy to have a tower and all of that. So I have no problem with your request.

Having said that, would anybody like to make a motion? Go ahead.

MR. MONTVILLE: In Case No. PZ17-0007, sought by Euko Designs, 
Incorporated, I move that we grant the variance for the three wall signs as requested, as the petitioner has shown a practical difficulty requiring the addition of these three signs for safety reasons and visibility for the business, and the rezoning of the office service zoning.

Without the variance, the petitioner will be limited with the respect to the visibility of the business and also potential security concerns with the high traffic volume at Ten Mile and Haggerty.

This property is unique due to the preexisting building and being setback from Ten Mile creating a visibility barrier. The petitioner did not create that particular uniqueness to the property, and the relief when granted will not unreasonably interfere with any adjacent or surrounding properties as the designs of the three additional signs are professional and esthetically pleasing and fit within the environment and current -- or the new proposed building design, remodeling of the bank.
The relief is consistent with the spirit and intent of the ordinance. For those reasons, I move that we grant the variance as it's been requested.

CHAIRPERSON SANGHVI: Thank you.

Second?

MR. BYRWA: Second.

CHAIRPERSON SANGHVI: Any further discussion?

MR. FERRELL: I have a question. So there is three wall signs going to be put up? I guess I missed -- so three put up and leave the monument sign, so a total of four? Any directional signage in --

MR. DIACHENKO: Just for the entrance signs.

MR. FERRELL: So those are there now?

MR. DIACHENKO: Those are there now.

MR. FERRELL: How many signs would that be total then?

MR. DIACHENKO: Three, four,
five, six. I'm not sure if there is two --
pretty sure there is one entrance sign and one
exit sign. There is a secondary directional
sign within the property, for the drive-up ATM,
and the drive-up service to try and keep
traffic flowing. So there is three.

MR. FERRELL: Before the motion,
I should have talked about -- I feel like this
is a lot of signs for one property. Even
though some of these are directional signs and
stuff like this. Little excessive.

MR. DIACHENKO: Directional signs
are critical just for traffic flow.

MR. FERRELL: I get that. I am
just saying in addition to -- that many signs.
I don't know if the other board members feel
like that.

MR. BYRWA: Wouldn't the ones be
exempt then if they are directional? You could
get real picky and say, well, the ones that
say, ATM for the drive-thru that's a sign, too.
You know, how far are you going to go -- you
know, I think we are mainly looking at signs
advertising Comerica Bank, and some of the
convenient small signs that direct traffic or
direct you to the ATM, we are really not
counting those.

MR. FERRELL: They are still
considered signs, as far as I know.

MS. KRIEGER: Due to the
footprint and the setback of the building, I
can approve for the variance.

MR. DIACHENKO: One comment for
me. The directional signs never require a
permit, as far as you can have as many as you
need basically.

MR. FERRELL: Do they count
though?

MR. DIACHENKO: Yes. It is a
dedicated driveway.

MR. BUTLER: Directional signs
usually fall under planning, they're approved
within the site plan, so they're not involved
in the ZBA right now for that many signs.

MR. FERRELL: Okay. Thank you.

CHAIRPERSON SANGHVI: Any further
discussion? Seeing none, please call the roll.

MS. DRESLINSKI: Member Byrwa?
MR. BYRWA: Yes.
MS. DRESLINSKI: Member Ferrell?
MR. FERRELL: Yes.
MS. DRESLINSKI: Member Krieger?
MS. KRIEGER: Yes.
MS. DRESLINSKI: Member Nafso?
MR. NAFSO: Yes.
MS. DRESLINSKI: Member Montville?
MR. MONTVILLE: Yes.
MS. DRESLINSKI: Member Peddiboyina?
MR. PEDDIBOYINA: Yes.
MS. DRESLINSKI: Chairperson Sanghvi?
CHAIRPERSON SANGHVI: Yes.
MR. NAFSO: Motion passes seven to zero.
CHAIRPERSON SANGHVI: Congratulations. Next any other matters for discussion tonight?
MR. BYRWA: I have a question for the City Attorney. Would it be more accurate when we put off a case to another evening to use the word postponed rather than tabling? My understanding of the word tabling means that we bring it back up at the same meeting when something is tabled, but when something is postponed, it's to another meeting.

MS. SAARELA: We have had this discussion before. I don't have a preference for what word is used. We are using it in the context of putting it over to the next meeting. I think it's pretty clear what we are doing. It's not being brought back up at the same meeting.

MS. DRESLINSKI: I am going to write postponed in the minutes.

CHAIRPERSON SANGHVI: It's semantics.

MR. PEDDIBOYINA: Sorry for the delay in the meeting. I was four minutes late for traffic.

CHAIRPERSON SANGHVI: Seeing
none, I would entertain a motion to adjourn the meeting.

MR. FERRELL: So moved.

MR. BYRWA: Second.

CHAIRPERSON SANGHVI: Motion moved and seconded all those in favor.

THE BOARD: Aye.

(The meeting was adjourned at 7:50 p.m.)

** ** **
I, Jennifer L. Wall, Notary Public within and for the County of Oakland, State of Michigan, do hereby certify that the meeting was taken before me in the above entitled matter at the aforementioned time and place; that the meeting was stenographically recorded and afterward transcribed, and that the said meeting is a full and correct transcript.
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.

4-19-17

________________    _________________________
Date              Jennifer L. Wall CSR-4183
Oakland County, Michigan
My Commission Expires 11/12/22