

REGULAR MEETING - ZONING BOARD OF APPEALS

CITY OF NOVI

June 14, 2016

Proceedings taken in the matter of the ZONING BOARD OF APPEALS, at City of Novi, 45175 West Ten Mile Road, Novi, Michigan, on Tuesday, June 14, 2016

BOARD MEMBERS

Cindy Gronachan, Chairperson

Jonathan Montville, Secretary

Linda Krieger

David Byrwa

Mav Sanghvi

Joe Peddiboyna

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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Novi, Michigan.  
Tuesday, June 14, 2016  
7:00 p.m.

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CHAIRPERSON GRONACHAN: Good evening.

I would like to call the June 2016 Zoning Boards of Appeals meeting to order.

Would you please all rise for the Pledge of Allegiance lead by Member Sanghvi.

(Pledge recited.)

CHAIRPERSON GRONACHAN: Monica, will you please call the roll.

MS. DRESLINSKI: Member Ferrell. Absent, excused.

Member Krieger?

MS. KRIEGER: Here.

MS. DRESLINSKI: Member Sanghvi?

MR. SANGHVI: Here.

MS. DRESLINSKI: Member Byrwa?

MR. BYRWA: Here.

MS. DRESLINSKI: Member Peddiboyna?

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MR. PEDDIBOYNA: Yes.

MS. DRESLINSKI: Member

Montville?

MR. MONTVILLE: Here.

MS. DRESLINSKI: Chairperson

Gronachan?

CHAIRPERSON GRONACHAN: Present.

This evening we have a very short agenda. However, I'm going to ask everyone to please pay attention to the rules of conduct and format there on the back podium at the rear of the room, and ask that everyone please shut off your phones at this time during the meeting.

Are there any changes or amendments to the agenda this evening?

MS. DRESLINSKI: No.

CHAIRPERSON GRONACHAN: Seeing none, all those in favor?

THE BOARD: Aye.

CHAIRPERSON GRONACHAN: The agenda has been approved.

We have the minutes from our April and May meetings. Has everybody had a chance to review them. Are there any changes

1 or notes?

2 All those in favor of  
3 approving proving April 12, 2016 and  
4 May 10th, 2016 minutes say aye.

5 THE BOARD: Aye.

6 CHAIRPERSON GRONACHAN: The  
7 minutes have been approved.

8 At this time, if there is  
9 anyone in the audience that wishes to make  
10 public remarks on anything other than what's  
11 on the agenda this evening, in front of the  
12 board can do so now.

13 Is there anyone out there?

14 Seeing none, we will move  
15 right to our first case.

16 Case No. PZ16-0019, 26150  
17 Novi Road, north of Grand River east of Novi.

18 Is the petitioner here?

19 Come on down.

20 The petitioner is requesting  
21 to allow construction of a new construction  
22 building with reduced parking setbacks on the  
23 north, on the east and on the south.

24 Good evening gentlemen. Are  
25 you both going to give testimony this

1 evening?

2 MR. HALL: Just probably myself.  
3 My name is Alan Hall. I'm with API. We are  
4 the architects. And Matt is with Keystone,  
5 he's the owner.

6 CHAIRPERSON GRONACHAN: Thank you  
7 very much.

8 Would you please spell your  
9 name then for our recording secretary, and  
10 then be sworn in by our secretary.

11 MR. HALL: Sure. It's Alan Hall,  
12 A-l-a-n, H-a-l-l. I'm with API.

13 CHAIRPERSON GRONACHAN: Would you  
14 raise your right hand.

15 MR. MONTVILLE: Do you swear to  
16 provide the truth in the testimony you are  
17 about to give?

18 MR. HALL: I do.

19 CHAIRPERSON GRONACHAN: You may  
20 proceed.

21 MR. HALL: We wish to ask for  
22 parking setbacks variances for the project  
23 before you. The Planning Commission has  
24 already approved this. We need to have your  
25 consent for the parking setbacks.

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I don't know how much you want me to explain. You can go through it.

You have a site plan before you. You will see that we're trying to abide by the City of Novi's master plan, so we are pushing the building up to Novi Road and trying to adhere to all of the overlay and master plan requirements.

With that, we've put down a sidewalk and a screening wall with landscaping along Ingersol and along Crowe Drive.

With that we also incorporated a pedestrian access point on Novi Road, which has both handicapped and interest of a retaining wall there.

The site is very tight right now. The site is currently non-conforming to the zoning ordinance, and we are eliminating the curb cut on Novi Road as it currently exists.

So that's to promote safety and to the master plan. And we also had to eliminate the curve cut that is existing off Ingersol, which is access to the Town Center

1 in the back there. That's because of an  
2 agreement we have with the Town Center. We  
3 closed that up.

4 So with that, we have a  
5 single point entrance to the site, it's a  
6 very tight design, so it's a very tight site.

7 So with that, I can answer  
8 any questions.

9 CHAIRPERSON GRONACHAN: Thank you  
10 very much.

11 Is there anyone in the  
12 audience that wishes to make comment in  
13 particular to this case?

14 Please come down. Sir, if  
15 you would please state your name, spell it  
16 for our recording secretary and you're not  
17 required to be sworn in.

18 MR. NEDELMAN: My name is Michael  
19 Nedelman. I'm the attorney for the Novi Town  
20 Center investors.

21 You have before you the  
22 objections that we filed in writing  
23 yesterday, which set forth in detail the  
24 basis upon which we believe that this board  
25 must deny the requested variances.

1 I would suggest to the board  
2 that the presentation by the petitioner today  
3 fails to provide any credible evidence upon  
4 which this board could find that there is a  
5 basis for the variances, on the basis of our  
6 written objections, we request that the  
7 variances be denied.

8 CHAIRPERSON GRONACHAN: Thank  
9 you. Is there anyone else?

10 (No audible responses.)

11 Seeing none. Is there any  
12 correspondence?

13 MR. MONTVILLE: Yes. There were  
14 29 letters mailed, three letters returned and  
15 one objection letter.

16 CHAIRPERSON GRONACHAN: Let me  
17 ask you -- I'm sorry, let me ask this of the  
18 attorney.

19 Is it important at this  
20 point to read this into -- I know it's part  
21 of the record, but because it's going to be  
22 part of the discussion, is it important to  
23 read it?

24 MS. SAARELA: I mean, that's your  
25 judgment call, if you plan on discussing it,

1           yes, perhaps it will be a good idea to read  
2           the content, if you want to talk about some  
3           of the things in there.

4                       MR. MONTVILLE: The letter is  
5           from Michael A. Nedelman, as he just  
6           mentioned, from 28580 Orchard Lake Road,  
7           Suite 140. He notes the following objections  
8           of the Novi Town Center Investors, his  
9           client.

10                      The first standard he  
11           mentions, standard number one is not  
12           satisfied. There are no applicable  
13           circumstances or physical conditions that  
14           support any variance. The claim that the  
15           circumstances or physical condition of the  
16           subject property is applicable to and/or  
17           provides support for the requested variances  
18           is untrue.

19                      The reason asserted by the  
20           applicant for the applicability of the  
21           standard is the need for concentrated vehicle  
22           access. The asserted need to concentrate  
23           vehicular access does not give rise to the  
24           need for the requested variance, rather the  
25           variance is improperly requested to allow for

1 additional parking on the property. That  
2 would not be available if the zoning  
3 ordinance is enforced as written, to  
4 accommodate the proposed development for the  
5 size, nature in excess of that which the  
6 property can reasonably accommodate.

7 They note, number two, the  
8 alleged difficulty is self-created. There is  
9 no practical difficulty causing the need for  
10 the requested dimensional variance and to the  
11 extent of any difficulty, such difficulty is  
12 entirely a self-created problem that as a  
13 matter of law cannot serve as a proper basis  
14 for granting the requested variances. The  
15 alleged need for the dimensional variances is  
16 entirely the result of the actions and desire  
17 of the proposed developer, applicant to, in  
18 its own words, maximize the development by a  
19 design that maximizes the site.

20 In short, the alleged need  
21 for the dimensional variances is solely the  
22 result of the developer, applicant's proposal  
23 of a development on the property of a  
24 footprint in excess of that which the  
25 property can reasonably accommodate, while

1 still complying with the applicable  
2 provisions of the city's zoning ordinance,  
3 and thus is entirely self-created.

4 The desire to create a high  
5 quality and attractive ambience is not a  
6 lawful excuse for over-developing the  
7 property as proposed or legal support for  
8 this board approving a reduction of  
9 applicable setbacks in order to accommodate  
10 the additional parking required by the  
11 proposed over-development.

12 The same reason is not  
13 satisfied as the property can be developed  
14 for a permitted purpose. Goes on to note,  
15 the property can still be used for a  
16 permitted purpose. Strictly compliance will  
17 not render conformity with applicable  
18 setbacks required being burdensome.

19 Standard number four, they  
20 argue is not satisfied as well, that they  
21 would not be able to develop the property.  
22 They mentioned that the development of the  
23 property for its permitted use will not be  
24 hindered if the variances are not requested.

25 And standard number five,

1 the variance they argue will cause adverse  
2 impact on surrounding property, saying the  
3 development is over the size that the site  
4 can reasonably accommodate and the  
5 surrounding area will not be invigorated,  
6 they used in quotations, by the excess  
7 development.

8 In summary, saying deny, in  
9 their opinion the variances as requested.

10 CHAIRPERSON GRONACHAN: Okay.  
11 Any other correspondence? That's the only  
12 letter.

13 MR. MONTVILLE: That was the only  
14 letter we have, yes.

15 CHAIRPERSON GRONACHAN: Building  
16 department, do you have anything to offer?

17 MR. BUTLER: Nothing to offer at  
18 this time. I will stand by for comments.

19 CHAIRPERSON GRONACHAN: Thank  
20 you. Board members? Open the table for  
21 discussion. You can go. Member Byrwa.

22 MR. BYRWA: I'm not sure I follow  
23 what's going on.

24 I am used to a certain size  
25 building requiring a certain number of

1 parking spaces. I am not sure I understand  
2 what's coming and going.

3 Is there in net gain and net  
4 loss of parking? The only thing I see is  
5 dimensional variances that are requested  
6 based on an oversized building than what's  
7 allowed. What is the impact on the parking?  
8 Is there a net loss or net gain or what's the  
9 required amount of parking and what's being  
10 provided, what's not being provided?

11 MR. HALL: For the net, there is  
12 actually more parking spaces now than we are  
13 presenting. The site is actually overbuilt  
14 right now. And we put in to accommodate with  
15 the master plan and the planning department.  
16 We ended up putting a screened wall and  
17 sidewalk all the way down Crowe Road, which  
18 wasn't required. We did that as a concession  
19 to help, and then with the Ingersol Drive,  
20 taking that out, we added some parking there.  
21 But it is less parking, more green space than  
22 there is now. But it is -- you know,  
23 obviously we need a variance for zoning, so  
24 that makes sense.

25 MR. BYRWA: You don't have any

1 idea on numbers on what's allowed --

2 MR. HALL: I didn't know there  
3 was objections. I would have been prepared  
4 if I had known that we had objections on  
5 this. I can look real quick in my notes and  
6 get back to you, if you like, tell you what  
7 those numbers are.

8 MR. BYRWA: Thank you.

9 CHAIRPERSON GRONACHAN: Any other  
10 questions? Member Sanghvi?

11 MR. SANGHVI: Can you put this  
12 site map on the --

13 CHAIRPERSON GRONACHAN: The  
14 overhead is not working.

15 Gentlemen, instead of  
16 delaying the meeting, would you two like to  
17 take a little postponement? We read the  
18 objection, you could pull those things  
19 together, we can go onto the next case, then  
20 I can have you come back. Would that help  
21 or --

22 MR. HALL: Actually, we're net  
23 ten lower. So we have a net ten loss of  
24 parking spaces. But we do meet the  
25 requirements for parking numbers. We are not

1 asking for a variance in the numbers of  
2 parking. We are just asking for the setback  
3 variances. There is less parking now than  
4 there was before, there is more green space  
5 now than there was before.

6 CHAIRPERSON GRONACHAN: I believe  
7 Member Sanghvi had a question.

8 MR. SANGHVI: No.

9 CHAIRPERSON GRONACHAN: Anyone  
10 else? Member Montville.

11 MR. MONTVILLE: So it looks  
12 like -- just to clarify for everybody, you're  
13 tearing down the old restaurant and building  
14 a new development with four available spaces  
15 for four individual tenants? What's the  
16 total square footage on the new building?

17 MR. HALL: 9,000 square feet.

18 MR. MONTVILLE: Can you talk  
19 about the process that you went through in  
20 designing that particular building and --

21 MR. HALL: We actually started  
22 off with almost 10,000 square foot building,  
23 and that was what was talked about in the  
24 Planning Commission, or planning department.

25 In going through the

1 consultants and going back through the out  
2 review process, we reduced it down to 9,000  
3 square feet, and that gets the parking, you  
4 know, in the building, so it all meets the  
5 requirements.

6 MR. MONTVILLE: When working with  
7 your consultants, did they have the opinion  
8 that you would be under a negative economic  
9 impact if you went under 9,000 or was there a  
10 certain threshold that was 9,000, the number  
11 where you could say I have the best economic,  
12 viable chance of being successful on that  
13 lot?

14 MR. HALL: Actually the 10,000  
15 number was the first number that made numbers  
16 the work. We went down to 9,000, that was  
17 doable. And we were -- we did have two  
18 restaurants that we are trying to get in one  
19 time, one restaurant and then two retails,  
20 but because of the parking and what -- we are  
21 down to three retails and one restaurant for  
22 the parking numbers. So we conceded on size  
23 and tenants.

24 MR. MONTVILLE: Thank you.

25 CHAIRPERSON GRONACHAN: Member

1 Krieger?

2 MS. KRIEGER: For the Planning  
3 Commission, does the attorney, sir, from --  
4 were you at that other meetings as well? Did  
5 you make your objections known to -- at that  
6 meeting as well?

7 MR. NEDELMAN: Unfortunately, we  
8 weren't provided notice of the Planning  
9 Commission meeting, for reasons that quite  
10 candidly remain a mystery to me, given the  
11 fact that the project as proposed requires  
12 variances, and does not meet the zoning  
13 ordinance as written. So we were not given  
14 notice. There was no public hearing. The  
15 Planning Commission gave its tentative  
16 approval to the preliminary site plan, but we  
17 were denied the opportunity to present the  
18 objections to what the Planning Commission  
19 initially approved. I'm perplexed by that.

20 MS. KRIEGER: So then to the  
21 Planning Commission, to the -- Larry, what  
22 occurred at that meeting? Usually they're  
23 notified to the public and hearings?

24 MR. BUTLER: Normally, yes, they  
25 are, but I was not present at that meeting.

1 MS. KRIEGER: Beth?

2 MS. SAARELA: If it's just a  
3 standard site plan, there is no public  
4 hearing requirement. There wouldn't be  
5 notices sent out to everybody. Public  
6 hearing requirement like this for Zoning  
7 Board of Appeals is when they would get  
8 notice for a public hearing. So not every  
9 site plan has a quote public hearing where  
10 notices are sent out.

11 MS. KRIEGER: Thank you.

12 MR. NEDELMAN: We should have  
13 been provided with notice because it would  
14 have given us an opportunity to bring these  
15 issues to the Planning Commission's attention  
16 at the outset.

17 The project as proposed,  
18 seeks to overbuild the site. And in response  
19 to the commissioner's question, economic  
20 return isn't the standard. The question is  
21 whether or not the property can be used for a  
22 permitted use without the variance. The  
23 answer to that is absolutely yes. Now, they  
24 can't build a building as large as they like.  
25 They can't provide four retail spaces without

1 restriction because there is nothing at the  
2 Planning Commission level as of yet, which is  
3 one of the things we would have raised, that  
4 would prevent them from putting additional  
5 restaurants into those other spaces.

6 But the short answer to this  
7 board's question is whether or not the  
8 property can be used for a permitted use  
9 without the variance.

10 And there is nothing to  
11 indicate that that's prohibited, and in fact  
12 everything to the contrary. They can build  
13 retail on that site. They can build retail  
14 without the variances. They can't build  
15 9,000 square feet the way they have  
16 configured it, but that's not a basis upon  
17 which this board is to lawfully grant the  
18 variance.

19 MS. KRIEGER: Thank you.

20 CHAIRPERSON GRONACHAN: Anyone  
21 else? I have to be honest that when I first  
22 read this case, I'm going to copy the word  
23 perplexed.

24 And I understand that there  
25 is no access, somebody can correct me if I'm

1 wrong, but the way I got this because we were  
2 having technical difficulties with our  
3 paperwork, that there is no access from  
4 Ingersol Drive and that there is no access  
5 from Crowe, is that correct? There is only  
6 one access?

7 MR. HALL: Access is off Crowe.

8 CHAIRPERSON GRONACHAN: The  
9 access is off Crowe.

10 MR. HALL: We have eliminated the  
11 access off Novi Road.

12 CHAIRPERSON GRONACHAN: So there  
13 is not going to be any access off Novi Road?

14 MR. HALL: Right, which was the  
15 main concern for Planning Commission because  
16 that's a safety factor.

17 CHAIRPERSON GRONACHAN: That was  
18 my concern as well. Number one.

19 Number two, the question  
20 of -- and the gentleman that just spoke took  
21 the words right out of my mouth. My question  
22 was, can you build a lesser space for the  
23 building without requiring any variances.

24 MR. HALL: Well, when you're  
25 looking at a site, you're trying to make it

1 viable for construction numbers, and to meet  
2 the master plan to push the building up  
3 towards Novi Road, have the length of that  
4 building, to make a space viable, you have to  
5 be so deep, to make the spaces useable. So  
6 the building itself has a length along Novi  
7 Road and a depth that we are dealing with  
8 tenant spaces.

9 So there is a combination of  
10 numbers there to make those spaces physically  
11 work. Yes, we could make a building two feet  
12 wide, 100 feet long, and meet the zoning  
13 requirements. You know what I'm saying, it's  
14 trying to have a synergy on the whole site to  
15 make it all work with Planning Commission,  
16 the master plan and the overlay for the Grand  
17 River overlay that is there.

18 CHAIRPERSON GRONACHAN: So are  
19 you saying that -- so you're saying that,  
20 yes, you can build a building, but two feet  
21 wide and 100 feet is not feasible.

22 MR. HALL: That's right, it's not  
23 feasible. That's exactly what happens in the  
24 tenant space, they come too narrow or they  
25 don't -- they can't get the space in like you

1 would wish, for the size, you know what I'm  
2 saying.

3 CHAIRPERSON GRONACHAN: So your  
4 answer is, no, it cannot be built. Another  
5 building of lesser could not be built on this  
6 property without a variance, is that what  
7 you're indicating?

8 MR. HALL: That's what I would  
9 say for what we are trying to do, yes.

10 CHAIRPERSON GRONACHAN: I just  
11 want --

12 MS. SAARELA: For a reminder for  
13 this evening, to pay attention to the  
14 variance standards that are in your packet  
15 because some of the standards as quoted, you  
16 know, were more accurate towards the use  
17 variance, when someone said can't be used for  
18 a permitted purpose. That's really a use  
19 variance standard. We are only looking at  
20 the non-use variance today.

21 CHAIRPERSON GRONACHAN: So we are  
22 only looking at dimensions to --

23 MS. SAARELA: We are looking at  
24 dimensions.

25 CHAIRPERSON GRONACHAN: We are

1 not looking.

2 MS. SAARELA: Can it be used.

3 That is a use variance.

4 CHAIRPERSON GRONACHAN: Thank you  
5 for that clarification.

6 I was going ask you -- I  
7 have another question for you.

8 The question of can  
9 something less -- of a lesser square footage  
10 be built and the property could still be  
11 viable, how do they --

12 MS. SAARELA: Again, looking at  
13 the viability, you're again talking about a  
14 use variance standard.

15 CHAIRPERSON GRONACHAN: So viable  
16 is not the word I want to use.

17 MS. SAARELA: You are looking at  
18 a practical difficulty. This may be more  
19 difficult to use it for a permitted purpose.  
20 You're not looking can it be used at all.  
21 You're also looking at is this the minimum  
22 variance that they could request in order to  
23 build -- what they're looking to build.

24 So you're looking at two  
25 very different types of standards here. You

1 need to pay attention to the dimensions  
2 variance, not the use variance.

3 CHAIRPERSON GRONACHAN: Thank  
4 you. Is there any further discussion while  
5 I'm checking something here? Does anyone  
6 else have any other questions?

7 MR. SANGHVI: I have more or less  
8 the same question. You building a new thing,  
9 what is the practical difficulty of not  
10 staying within the requirements of the  
11 ordinance? And to be quite honest, I am not  
12 quite convinced that they can't do it.  
13 That's all. Thank you.

14 CHAIRPERSON GRONACHAN: Anyone  
15 else?

16 I concur with the previous  
17 speaker. I don't agree with this. I think  
18 that there -- that the petitioner has not  
19 provided us with enough information to  
20 indicate if there could be lesser variances  
21 without drawing into the phrase of the  
22 monetary issuance or issue, and that cannot  
23 be used to determine grounds for a variance.

24 So I would not be supporting  
25 this request based on -- I hate to say this

1 because I like to support businesses, but  
2 based on lack of presentation, and based on  
3 lack of full information as to how we got to  
4 this point and what other alternatives or, in  
5 fact, to prove that there were no other  
6 alternatives. That's not in the packet and  
7 it's not before us this evening.

8 So I actually have to hear  
9 more before I would go down the road of being  
10 in support for this -- for this business  
11 because monetary can't be used to decide for  
12 us to make a decision. I realize that there  
13 are financial burdens all over the world,  
14 but, at this board we can't -- that's not one  
15 of the reasons why we can grant a variance.

16 Is there anyone else that  
17 has anything else to offer?

18 Is there a motion on the  
19 table?

20 MR. MONTVILLE: I can make a  
21 motion at this time.

22 I move that we deny the  
23 variance in Case No. PZ16-0019 sought by Town  
24 Center Gardens for three setback variances.  
25 The petitioner has not shown practical

1 difficulty recalling the variances and the  
2 size requested being necessary in order to  
3 avoid practical difficulty in using the site  
4 as currently zoned.

5 The circumstances and  
6 features of the property, including the  
7 overall size and the proposed are not unique  
8 and do not require the uniqueness of the  
9 proposed construction as designed. The  
10 variances that are being requested,  
11 particularly the size of the variances are a  
12 self-created condition that we are facing,  
13 unfortunately do not meet the standards for  
14 potential approval. And with those points, I  
15 move that we deny the variance.

16 MS. SAARELA: May I suggest that  
17 if you are basing some of your actual facts  
18 on this letter that you received, that you  
19 read some of those facts into the motion, if  
20 that's what you're basing your decision on.

21 MR. MONTVILLE: Sure.

22 The failure to grant relief  
23 will result in mere inconvenience or  
24 inability to attain a higher economic or  
25 financial return based on petitioner's

1 statements that strict compliance with the  
2 setback requirements will not prevent, let  
3 alone unreasonably prevent the property owner  
4 from using the property for a permitted  
5 purpose, nor will strict compliance render  
6 conformity with the applicable setback  
7 requirements as being burdensome.

8 The variance would result in  
9 interference with the adjacent and  
10 surrounding properties as the property will  
11 be overdeveloped and overbearing. It is not  
12 an appropriate size for the site. Granting  
13 the variance would be inconsistent with the  
14 spirit and intent of the ordinance as the  
15 surrounding property owners, I believe they  
16 will have an area that is to be invigorated  
17 by the excessive development, regardless of  
18 any claim, esthetic quality of the facade,  
19 nor will granting variances that permit the  
20 development for an excessively large strip  
21 center allow patrons of the proposed center  
22 to be better served.

23 For those reasons, I move  
24 that we deny this particular case, the  
25 variance as requested.

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MS. KRIEGER: Second.

CHAIRPERSON GRONACHAN: It's been moved and seconded. Any further discussion? Seeing none, Monica, would you please call the roll.

MS. DRESLINSKI: Member Sanghvi?

MR. SANGHVI: Yes.

MS. DRESLINSKI: Member Krieger?

MS. KRIEGER: Yes.

MS. DRESLINSKI: Member Byrwa?

MR. BYRWA: Yes.

MS. DRESLINSKI: Member Peddiboyna?

MR. PEDDIBOYNA: Yes.

MS. DRESLINSKI: Member Montville?

MR. MONTVILLE: Yes.

MS. DRESLINSKI: Chairperson Gronachan?

CHAIRPERSON GRONACHAN: Yes.

MS. DRESLINSKI: Motion to deny is approved six to zero.

CHAIRPERSON GRONACHAN: I'm sorry, but your request has been denied at this time.

1 MR. HALL: Okay.

2 CHAIRPERSON GRONACHAN: Going  
3 onto our next case, PZ16-0020, Durr Systems,  
4 east of Novi Road and south of Ten Mile. The  
5 applicant is requesting variances from the  
6 City of Novi to allow a location of a  
7 dumpster enclosed in the sideyard of an  
8 existing parcel recently reoccupied and  
9 proposed for alteration. The parcel is zoned  
10 I1.

11 As our gentlemen are setting  
12 up their -- I'm wondering if you should -- do  
13 you think -- I apologize. But it would be in  
14 a better light everybody could see it. Thank  
15 you.

16 I can't see you, but that's  
17 okay.

18 MR. FREUND: Probably knowing me,  
19 I will be referencing it shortly.

20 CHAIRPERSON GRONACHAN: Are you  
21 both giving testimony this evening?

22 MR. FREUND: Most likely it will  
23 be coming from myself. But Patrick  
24 represents the owner, and I have given him an  
25 opportunity to get involved if he needs.

1 CHAIRPERSON GRONACHAN: So I  
2 would like you both to state your names.  
3 Spell them for our secretary, and if you  
4 would please both be sworn in at this time.

5 MR. FREUND: Hello and thank you  
6 for speaking in front of you tonight. My  
7 name is Nicholas Freund. I own Freund Andrus  
8 Construction and I'm here representing Durr  
9 Systems. My name is Nick, N-i-c-k, last name  
10 F-r-e-u-n-d.

11 MR. WONG: Good evening. My name  
12 is Patrick Wong. I'm the project manager for  
13 Durr Systems. Patrick, P-a-t-r-i-c-k, last  
14 name is Wong, W-o-n-g.

15 CHAIRPERSON GRONACHAN: Would you  
16 raise your right hand and be sworn in.

17 MR. MONTVILLE: Do you swear to  
18 provide the truth in the testimony you are  
19 about to give?

20 MR. FREUND: I do.

21 MR. WONG: I do.

22 MR. FREUND: I'll get started.  
23 Durr Systems bought the building last year  
24 and we went through administrative site plan  
25 approval to make some improvements to the

1 exterior the building.

2 This is the old Comau  
3 industrial building on Ten Mile, if you are  
4 familiar with it. The building was and has  
5 always been set up for truck loading and dock  
6 loading at the back of the building, which  
7 was large a reason why Durr purchased the  
8 building, so moving forward to last year, we  
9 went through site plan approval to make the  
10 improvements in the back of the building to  
11 make a legitimate turning radius and more  
12 functional truck loading space.

13 We were happy to work with  
14 planning and building department and we have  
15 had several meetings them, which has led us  
16 to really our last issue which is dumpsters.

17 Having worked with the  
18 planning department, we pretty much landed on  
19 a final scenario, which I think might be  
20 amendable to you. If you'd like, I can  
21 approach the display.

22 CHAIRPERSON GRONACHAN: Just  
23 speak up so they can hear you at home.

24 MR. FREUND: This is the building  
25 as I've described. You know, trucks that

1           come in Ten Mile around the building, load  
2           and unload here and then come back around the  
3           building this way.

4                        So that leaves the final  
5           issues for dumpsters. According to this, the  
6           city ordinance, the first priority is getting  
7           behind the building. Unfortunately that's  
8           the problem for us now that we have this  
9           loading space.

10                       So again, in the spirit of  
11           cooperation, we are looking for the next best  
12           solution.

13                       We feel that putting it on  
14           the side of the building, which is situated  
15           next to some residential to the -- I'm sorry,  
16           to the east would be a mistake. We don't  
17           want to consider that. We think that would  
18           be a mistake and create problems for your  
19           residents.

20                       So what we landed on, again,  
21           with disclosure to the planning department,  
22           is that we would place the compactor here  
23           next to the building, and we would place  
24           three dumpsters, I guess you would call it an  
25           accessory structure, off the building, on the

1 side of the building.

2 This was done, first of all,  
3 to minimized as much as possible by reducing  
4 the dumpsters to a bear minimum for Durr  
5 Systems to continue their operations. It's  
6 also I think important to note that there is  
7 a substantial tree line here as well as  
8 railroad tracks.

9 So again, we are just trying  
10 to be good neighbors in the community and  
11 want to make this work for everyone and still  
12 be functional, so that's really the gist of  
13 it.

14 Patrick, unless you have  
15 something to offer.

16 CHAIRPERSON GRONACHAN: Okay.  
17 Anything else?

18 MR. FREUND: Unless you have  
19 questions.

20 CHAIRPERSON GRONACHAN: I'm sure  
21 we will have that. Do me a favor, move that  
22 back so board members -- thank you very much.

23 Is there anyone in the  
24 audience that wishes to make comments on this  
25 case? Seeing none, is there any

1                   correspondence?

2                                 MR. MONTVILLE: 24 letters  
3                   mailed, one letter returned, zero approvals  
4                   and zero objections.

5                                 CHAIRPERSON GRONACHAN: All  
6                   right. Building department?

7                                 MR. BUTLER: As noted, they did a  
8                   good job on being good neighbors by reducing  
9                   the amount of dumpsters and putting up their  
10                  screening fence, but otherwise, no other  
11                  comments at this time.

12                                CHAIRPERSON GRONACHAN: Thank  
13                  you. Board members. The board is quiet.  
14                                 Member Montville.

15                                MR. MONTVILLE: Real quick just  
16                  on the flow of the trucks and traffic. It  
17                  sounds like you did some pretty extensive  
18                  research and that's the safest method  
19                  potentially if you did that, have a variance  
20                  and put the dumpsters on the south part of  
21                  the lot that could potentially be a safety  
22                  concern for your business.

23                                MR. FREUND: Absolutely. If we  
24                  need to, we can have further testimony from  
25                  the building operations manager, who does

1 the -- who is responsible for those things  
2 that you suggest. They do run two shifts,  
3 and to -- keep in mind, the bulk of the  
4 parking is in the back of the building, so,  
5 you know, to try and put dumpsters back  
6 there, I think would be potentially  
7 hazardous.

8 I don't want to sound like a  
9 salesperson here, but I'm trying to make a  
10 point that I think putting it on the railroad  
11 side of the building, in a place that's not  
12 taking away parking, and is not creating a  
13 hazard for potentially trucking, circulation,  
14 I think in our opinion, has been the best  
15 choice.

16 MR. MONTVILLE: Thank you.

17 CHAIRPERSON GRONACHAN: Anyone  
18 else?

19 MR. FREUND: I'm sorry, one last  
20 thing I will mention. Unfortunately I don't  
21 have it, we do have photos.

22 CHAIRPERSON GRONACHAN: If you  
23 would like to pass them, that would be great.  
24 Thank you. Anyone else?

25 Just for clarification, can

1           you tell me what Durr Systems is and how  
2           long -- you have been previously in Novi, is  
3           that correct?

4                       MR. FREUND: You know, Patrick,  
5           do you mind.

6                       MR. WONG: Durr Systems, we're  
7           actually a German owned company. We have  
8           been in the United States since approximately  
9           1970. Previously we had two facilities in  
10          Plymouth, and also in Auburn Hills. This  
11          facility was relocated from Plymouth due to  
12          us wanting to consolidate our offices to  
13          Southfield, and then we needed another  
14          location for manufacturing in Novi.

15                      Basically, what we  
16          manufacture is sheet metal products that go  
17          into painting facilities for OEMs like Ford,  
18          GM, Chrysler. We build spray booths, ovens,  
19          air supply houses, steel work decks,  
20          everything that would go into a paint  
21          facility.

22                      CHAIRPERSON GRONACHAN: Thank you  
23          for that. I appreciate that.

24                      I have no problem with this.  
25          I think as the building department pointed

1 out, and as my colleague to my left Member  
2 Montville pointed out, I think that you as a  
3 new business are welcoming -- or coming in,  
4 trying to be a new neighbor. I think that  
5 this is a minimum request and I think it has  
6 the least impact, as you so stated, given  
7 your presentation. So I am in full support  
8 of this.

9 Does anyone else have  
10 anything else to offer? Have any questions?

11 Is there a motion? Member  
12 Montville.

13 MR. MONTVILLE: I move that we  
14 grant the variance requested in Case No.  
15 PZ16-0020, sought by the petitioner Durr  
16 Systems for a sideyard dumpster enclosure, as  
17 the petitioner has shown a practical  
18 difficulty requiring the sideyard closure  
19 versus the typical -- being the proposed  
20 beyond the building. Without the variance  
21 the petitioner will be unreasonably prevented  
22 or limited with respect to the use of the  
23 property as currently zoned, due to the  
24 nature of the business, and as noted the  
25 unique flow of trucking traffic on the lot.

1 The property is unique due to the shape of  
2 the lot and the available space for a  
3 dumpster enclosure, for that reason, as  
4 mentioned, the petitioner did not create this  
5 particular condition and the relief will  
6 not -- if the relief is granted, it will not  
7 unreasonably interfere with adjacent or  
8 surrounding properties as noted.

9 It's the minimal request  
10 necessary, it was going to be placed on the  
11 east side of the building, it would be next  
12 to residential, and by going on the west side  
13 of the building it is closer to the railroad  
14 tracks and will not interfere with any  
15 surrounding neighbors.

16 And the relief is consistent  
17 within the spirit and intent of the  
18 ordinance.

19 For those reasons I move  
20 that we grant the variance as requested.

21 MS. KRIEGER: Second.

22 CHAIRPERSON GRONACHAN: It's been  
23 moved and seconded. Any further discussion?  
24 Seeing none, Monica will you please call the  
25 roll.

1 MS. DRESLINSKI: Member Krieger?

2 MS. KRIEGER: Yes.

3 MS. DRESLINSKI: Member Sanghvi?

4 MR. SANGHVI: Yes.

5 MS. DRESLINSKI: Member Byrwa?

6 MR. BYRWA: Yes.

7 MS. DRESLINSKI: Member

8 Peddiboyna?

9 MR. PEDDIBOYNA: Yes.

10 MS. DRESLINSKI: Member

11 Montville?

12 MR. MONTVILLE: Yes.

13 MS. DRESLINSKI: Chairperson

14 Gronachan?

15 CHAIRPERSON GRONACHAN: Yes.

16 MS. DRESLINSKI: Motion passes

17 six to zero.

18 CHAIRPERSON GRONACHAN:

19 Congratulations. Your  
20 variance has been granted and welcome to  
21 Novi.

22 MR. FREUND: Thank you very much.

23 CHAIRPERSON GRONACHAN: The next  
24 case is PZ16-0021, 1921 West Lake Drive,  
25 south of Fourteen and west of Novi. This

1 applicant is requesting variances to allow  
2 construction of a new home on an existing  
3 non-conforming lot.

4 I think we have heard a few  
5 of those stories before.

6 MR. HALLETT: Hello. My name is  
7 Todd Hallett, T-o-d-d, H-a-l-l-e-t-t. I'm  
8 from Tiki (ph) Design and Associates and I'm  
9 here representing my clients, Kurt and Jenna  
10 Houghton. And what we basically have --

11 CHAIRPERSON GRONACHAN: Before  
12 you get started, we need to swear you in.

13 Would you please -- are  
14 there residents -- are the homeowners going  
15 to be giving testimony as well?

16 MR. HALLETT: No.

17 CHAIRPERSON GRONACHAN: Would you  
18 please be sworn in.

19 MR. MONTVILLE: Do you swear to  
20 provide the truth in the testimony you are  
21 about to provide?

22 MR. HALLETT: I do.

23 CHAIRPERSON GRONACHAN: You may  
24 proceed.

25 MR. HALLETT: What we have is a

1 lot zoned in R4. And we have a very narrow  
2 lot. We have a 30-foot wide lot. And the  
3 side setbacks are ten and 15, so it's  
4 25 feet. So what we are looking for are some  
5 relief on the side setbacks, so we can build  
6 a new house. The house that's already there  
7 that's existing is 22 feet wide. So what we  
8 are hoping to do is have the same setbacks  
9 that will allow us to build the same width  
10 house.

11 We are also looking for  
12 relief relative to the lot coverage, 11  
13 percent relief. The house that we have  
14 designed is not a mansion. It's well under  
15 2,500 square feet, but being that the lot is  
16 so narrow, we were requesting a little bit of  
17 lot coverage relief. And finally, we are  
18 looking to cantilever a fireplace out on one  
19 side.

20 Typically if we go with a  
21 four foot side setback, we'd only be allowed  
22 eight inches cantilever. We are requesting  
23 24 inches.

24 As it relates to the  
25 standards, relative to physical conformity,

1 obviously we have an exceptionally narrow  
2 lot. So that's why we are asking for relief.

3 Being self-created, standard  
4 number two, it's not self-created. It's a  
5 non-conforming lot. As it relates to  
6 standard number three, relative to meeting  
7 the strict compliance, if we were to try to  
8 meet that strict compliance, we would only  
9 have room for a five foot wide house. So  
10 clearly we can't do that.

11 As it relates to standard  
12 number four, the minimum variance, 22 feet  
13 width is the minimum variance that we can  
14 really get to because what we did, we  
15 designed an open floor plan, even took out a  
16 lot of the walls. Even at that, it's very  
17 narrow. We are trying hard to make that  
18 work.

19 And standard number five, no  
20 impact, we are not asking to push back beyond  
21 the site lines, of anyone else, being the  
22 neighbors, we believe we are going to have  
23 any negative impact. I'm open to any  
24 questions.

25 CHAIRPERSON GRONACHAN: Is there

1 anyone in the audience that wishes to make  
2 comment on this case?

3 Seeing none, is there any  
4 correspondence?

5 MR. MONTVILLE: 34 letters  
6 mailed, zero returned, one approval, from  
7 James and Mary Street at 1915 West Lake.  
8 They note their approval and that their house  
9 is directly north of the Houghtons and they  
10 support the variances. There is zero  
11 objections.

12 CHAIRPERSON GRONACHAN: Thank  
13 you. Building department.

14 MR. BUTLER: Yes, I was looking  
15 at it, I believe he stated, the gentleman has  
16 stated that the house is going to be 22 feet  
17 wide, but with that cantilever out, for the  
18 fireplace that adds an additional two feet  
19 on. It needs to be taken into consideration,  
20 that side setback. So technically it would  
21 be 24 feet.

22 MR. BYRWA: I got a question on  
23 that. Is that .67 allowed? On the write-up,  
24 the last sentence? The writeup for the  
25 variance says, parenthesis two feet proposed,

1 comma .67 feet allowed.

2 MR. BUTLER: That's saying what  
3 would be allowed for that setback, if they  
4 wanted it a narrow setback, that's really a  
5 small space.

6 MR. BYRWA: That would be what  
7 would be existing after he took his two feet?

8 MR. BUTLER: That was just a  
9 little confusing how that was written up.  
10 Okay.

11 CHAIRPERSON GRONACHAN: All  
12 right. Point of order. So do you have  
13 anything else to offer building department?

14 MR. BUTLER: No additional  
15 comments.

16 CHAIRPERSON GRONACHAN: Now,  
17 board members, do we have anything. Member  
18 Byrwa, did you want to continue?

19 MR. BYRWA: No. I understand  
20 what's going on.

21 CHAIRPERSON GRONACHAN: Good.  
22 Anybody else. Member Sanghvi?

23 MR. SANGHVI: Thank you. I came  
24 and saw your place a couple of days ago.  
25 It's a very narrow lot. Actually those lots,

1 historically they were not designed for  
2 living all around the year. They were little  
3 cottages for summer. And when you want to  
4 live there permanently, then you cannot build  
5 anything without any variances. I recognize  
6 that. And this has been the story about  
7 almost every home around that part of Novi.  
8 Actually I want to commend you for the way  
9 you have presented your application, very,  
10 very nicely put together. And it doesn't  
11 leave too many questions to be asked  
12 afterwards. If you go through it very  
13 nicely, and all I can say, I have no problem  
14 with your request and I wish you luck with  
15 the new house. Thank you.

16 MR. HALLETT: Thank you.

17 CHAIRPERSON GRONACHAN: Anyone  
18 else?

19 I have to concur with Member  
20 Sanghvi about the presentation. You put a  
21 great deal of work into. As a board member,  
22 you know, what we do is a volunteer position.  
23 We serve proudly, but we like any help that  
24 we can get to understand this because we are  
25 not zoning people, you know, nine to five.

1 Then when we come back and look at these  
2 cases, it makes it difficult if we don't have  
3 all the information available. So I commend  
4 the homeowners and you for the information.

5 I just want to clarify the  
6 fireplace because I'm sorry, but I don't  
7 understand. So is this something that -- is  
8 it something that if they don't do it, it  
9 affects the whole picture of the house or is  
10 it th e minimum request that they're asking  
11 for? Could it be less of a variance. I'm  
12 truly asking because I do not -- I don't know  
13 the answer.

14 MR. BUTLER: Basically, if they  
15 could design it and come back in, little bit  
16 more we can give them more space on that side  
17 of the house, just basically indicating that  
18 would be a narrow space, would that be  
19 sticking out additional two feet. I don't  
20 know if he has a dimension on the house next  
21 to him, what that space is -- I mean, the  
22 distance between the two spaces from the  
23 fireplace to the adjacent house.

24 MR. PEDDIBOYNA: You mean  
25 technically you want two feet for the

1 fireplace to go? What is the reason for the  
2 two feet?

3 MR. BUTLER: That's for the  
4 fireplace. The fireplace is designed to  
5 stick out, that bump out there.

6 CHAIRPERSON GRONACHAN: Can you  
7 clarify that? Do you know how far -- once  
8 you put this fireplace out, so, just for  
9 clarification, so I'm sure everybody  
10 doesn't -- what side is it, on the north  
11 side?

12 MR. HALLETT: It's on this side  
13 right here.

14 CHAIRPERSON GRONACHAN: South  
15 side.

16 MR. HALLETT: This house is  
17 sitting -- I have put my place -- excuse me.  
18 This side is 1.10, this is real close to the  
19 existing -- what's happening it -- this  
20 fireplace -- what we normally get in this  
21 kind of setback, is an eight inch projection.  
22 The house itself is so narrow that once you  
23 get the plan put together, if you stuck it in  
24 the house anymore, you wouldn't be able to  
25 get furniture. That's why we are asking for

1 that extra 16 inches.

2 CHAIRPERSON GRONACHAN: So my  
3 question to the homeowners, and it's just a  
4 question, can you live without the fireplace?

5 MR. HOUGHTON: It would be tough  
6 to live without it because it helps to add to  
7 the value of the property for future resale.

8 CHAIRPERSON GRONACHAN: I realize  
9 we haven't had you sworn in --

10 MR. PEDDIBOYNA: He said he was  
11 not presenting.

12 CHAIRPERSON GRONACHAN: Thank  
13 you.

14 MR. HOUGHTON: Do you want me  
15 to --

16 CHAIRPERSON GRONACHAN: We can  
17 swear you in.

18 MR. HOUGHTON: I'm Kurt Houghton,  
19 K-u-r-t, H-o-u-g-h-t-o-n.

20 CHAIRPERSON GRONACHAN: Raise  
21 your right hand, please.

22 MR. MONTVILLE: Do you promise to  
23 provide the truth in the testimony you are  
24 about to give?

25 MR. HOUGHTON: Yes.

1 CHAIRPERSON GRONACHAN: Go ahead.

2 MR. HOUGHTON: So as I was  
3 saying, it certainly -- it's a strong desire  
4 of ours to have the fireplace. It would take  
5 away from the general feel of the family room  
6 and the presentation of the main living area  
7 that we are looking to create.

8 As Todd mentioned, we're  
9 going for the full floor plan to have an open  
10 space, on the adjoining family room, dining  
11 room and kitchen area. So without that  
12 fireplace there, then we wouldn't have much  
13 of a presentation in that family room.

14 MS. KRIEGER: Have you decided  
15 north versus south, is this the floor plan  
16 you have already made up your mind on the  
17 inside that you would go with the south side  
18 for the fireplace?

19 MR. HOUGHTON: That's correct.

20 MS. KRIEGER: Since the house  
21 then on the south would be a preexisting  
22 older house then for fire standards, if you  
23 have a fireplace, is there anything extra  
24 that would need to be, since there was  
25 historically a fire on that part of west

1 lake?

2 MR. BUTLER: The fire rating of  
3 the walls would be consideration -- close  
4 proximity of the house next door.

5 MR. HOUGHTON: If you don't mind,  
6 I'd like to add one other thing, too. The  
7 neighbors to the north of us that submitted  
8 the approval, James and Mary Street, they  
9 have a bump out for -- it's not technically a  
10 fireplace, but it's a bump out on their south  
11 side, that's the reason why we wanted to  
12 design ours on the south side as well, as  
13 part of the proposal. So we wouldn't have  
14 two bump-outs on the same side.

15 CHAIRPERSON GRONACHAN: Member  
16 Byrwa.

17 MR. BYRWA: The neighboring  
18 construction that is closest to the  
19 fireplace, how far away is that? Is that  
20 like right near the lot line, the neighboring  
21 construction?

22 MR. HALLETT: It's pretty close.  
23 The neighboring construction is just above  
24 the lot line. The narrowest point is just  
25 less than two feet, so that one is close.

1 MR. BYRWA: A little background,  
2 historically, the building code has always  
3 fought to try and keep a minimum of 10 feet  
4 between structures. And what happens is they  
5 found over the years that when structures are  
6 located closer than ten feet to each other,  
7 they got a fancy word called conflagration  
8 where there is a strong possibility that the  
9 fire is going to jump from one structure to  
10 the next. Where once you get over to  
11 10 feet, it minimizes that possibility of the  
12 fire jumping from one structure to the next.  
13 You can see what happened, I think it was  
14 about a month or so ago, there was a fire out  
15 there, and half the neighboring house looked  
16 like it caught on fire because the structures  
17 are so close together. Here, we are adding a  
18 component kind of fire, a fireplace, and you  
19 know, once you come within three feet of the  
20 lot line, the building code kicks in all  
21 kinds of fire ratings inside and outside of  
22 the walls and everything and stuff, you know,  
23 it's a kind of a precarious proposition when  
24 you're that close to the lot line.

25 MR. HALLETT: Let me ask you a

1 question. Our intent to put a full fire  
2 rating on that wall pop out. If two feet  
3 were a problem, if we could get 18 inches,  
4 that would make a big difference in that  
5 room. So if we could concede that, to give  
6 us a little more room, we are allowed eight,  
7 ask for 10 extra inches, I think we could  
8 make it work.

9 MR. BYRWA: That wouldn't omit  
10 the fire ratings though or anything -- I  
11 think over three feet of the lot line --

12 MR. HALLETT: We will still do  
13 all the fire ratings. I appreciate that.  
14 Thank you.

15 MS. KRIEGER: Were you going to  
16 do gas or wood?

17 MR. HOUGHTON: Gas.

18 CHAIRPERSON GRONACHAN: Okay. So  
19 you would change -- you would reduce it to --  
20 clarify please.

21 MR. HALLETT: 18 versus 24.

22 CHAIRPERSON GRONACHAN: Board  
23 members? I have a question for Beth.

24 So the concern that I have,  
25 looking at this, is because it is a

1 fireplace, and because it is an additional  
2 hazard, but does that play into --

3 MS. SAARELA: I don't know that  
4 we know it's an additional hazard. I think  
5 that's an assumption you're making just  
6 because it's a fireplace. But what we really  
7 would need to do is look at whether meeting  
8 the building code for the fireplace. I  
9 believe that we have heard that they are  
10 going to do whatever they need to do to rate  
11 that wall under the building code, so I don't  
12 necessarily think there is -- that we  
13 concluded -- or there hasn't been any facts  
14 presented that this is an extra hazard.

15 CHAIRPERSON GRONACHAN: Okay.  
16 Thank you for that help. That's what I was  
17 struggling on.

18 Then if he reduces it to 18  
19 feet --

20 MR. HALLETT: 18 inches.

21 CHAIRPERSON GRONACHAN: Sorry, 18  
22 inches. Eighteen feet.

23 MR. HALLETT: Eighteen feet is  
24 okay.

25 CHAIRPERSON GRONACHAN: I just

1 wanted to make sure everybody was listening.  
2 Then I don't have -- based on what the city  
3 attorney just clarified for me, and fact that  
4 this petitioner worked very hard on this  
5 presentation and that this lot is extremely  
6 unique, I would be in full support.

7 MR. PEDDIBOYNA: I second.

8 CHAIRPERSON GRONACHAN: I can't  
9 make a motion. You have to wait for Member  
10 Krieger to make the motion.

11 MS. KRIEGER: Thanks.

12 CHAIRPERSON GRONACHAN: Any time.

13 MS. KRIEGER: I move that we  
14 grant the variance in Case No. PZ16-0021,  
15 sought by the petitioner Mr. and  
16 Mrs. Houghton. The petitioner has shown  
17 practical difficulty requiring the very  
18 nature of these homes all around Walled Lake  
19 are all in need of a variance. Without the  
20 variance, petitioner will unreasonably be  
21 prevented and limited with respect to the use  
22 of their property, because they wouldn't be  
23 able to build a house that would be liveable  
24 under current zones.

25 The property is unique

1 because it's on Walled Lake and each house  
2 has property, has it's own topography.  
3 Petitioner did not create the condition. The  
4 relief granted will not unreasonably  
5 interfere with adjacent or surrounding  
6 properties because of the nature, the  
7 presentation, with the 18 inches for the  
8 fireplace, on the south side, and the  
9 footprint with the neighbors will not  
10 interfere with their properties and will  
11 increase value of properties and resale value  
12 and is consistent with the spirit and intent  
13 of the ordinance.

14 MR. SANGHVI: Second.

15 CHAIRPERSON GRONACHAN: It's been  
16 moved and seconded. Any further discussion?

17 (No audible responses.)

18 CHAIRPERSON GRONACHAN: Seeing  
19 none, Monica, would you please call the roll.

20 MS. DRESLINSKI: Member Krieger?

21 MS. KRIEGER: Yes.

22 MS. DRESLINSKI: Member Sanghvi?

23 MR. SANGHVI: Yes.

24 MS. DRESLINSKI: Member Byrwa?

25 MR. BYRWA: Yes.

1 MS. DRESLINSKI: Member  
2 Peddiboyna?  
3 MR. PEDDIBOYNA: Yes.  
4 MS. DRESLINSKI: Member  
5 Montville?  
6 MR. MONTVILLE: Yes.  
7 MS. DRESLINSKI: Chairperson  
8 Gronachan?  
9 CHAIRPERSON GRONACHAN: Yes.  
10 MS. DRESLINSKI: Motion passes  
11 six to zero.  
12 CHAIRPERSON GRONACHAN: Variance  
13 has been granted. Congratulations. Welcome  
14 to Novi. Good luck on your new home.  
15 Our next case and last one  
16 for the evening is City of the Novi,  
17 PZ16-0022, 26900 Beck Road. Is our  
18 petitioner here?  
19 MS. SAARELA: I'm going to speak  
20 on behalf of our petitioner.  
21 CHAIRPERSON GRONACHAN: 47277  
22 Grand River, south of Grand River and east of  
23 Beck. The applicant is requesting a variance  
24 for the City of Novi to allow a ten foot  
25 reduction in the required front setback

1 measured from the existing 100-foot wide  
2 dedicated right-of-way along Beck and Grand  
3 River frontage. So the city's proposed  
4 highway easement does not impact future  
5 developments of the parcels. The property is  
6 zoned B3.

7 Could you please state your  
8 name for the record.

9 MS. SAARELA: My name is  
10 Elizabeth Saarela and I am city attorney for  
11 the City of Novi. And I am here to present  
12 on behalf of the petitioner today who is the  
13 City of Novi, the public services division.

14 So what this is, is under  
15 the uniform condemnation procedures act, it  
16 gives the authority to the city to petition  
17 for a variance when the city is taking an  
18 easement or some other property, just over a  
19 property that will impact the use of that  
20 property.

21 So the uniform condemnation  
22 procedures act gives us the authority to  
23 petition in the place of the property owner,  
24 to get this variance.

25 So that's what we are doing

1 here, is the city is petitioning for a  
2 variance to be granted to this property owned  
3 by Joanne Ward, who is a resident of the  
4 city.

5 The city has already taken  
6 the highway easement over the property to  
7 construct a Grand River dual left-turn lane.  
8 The turn lane is not going on her property.  
9 The turn lane is staying within the existing  
10 right-of-way, but the construction in the  
11 right-of-way is causing the need to shift the  
12 existing pathway and utility poles farther  
13 into the property.

14 In some places -- it's a  
15 variable distance, but the maximum -- the  
16 farthest distance it will be shifted in is  
17 10 feet, so that's why we are requesting the  
18 ten feet from the back of the existing  
19 right-of-way.

20 In this case, it's apparent  
21 that it's not the property owner's fault.  
22 It's not created -- the problem is not  
23 created by property owner.

24 The problem is created by  
25 the city from, you know, proposing -- going

1 forward with this project and taking the  
2 easement over the property.

3 So I guess the need for it  
4 is essentially that, you know, we want to put  
5 the property back in the position, the best  
6 position that it was hopefully before we took  
7 the easement, so that's what we are trying to  
8 do here.

9 So by granting the maximum  
10 of 10-foot variance, you know, the property  
11 owner will potentially be able to construct  
12 the same type of development. It's vacant  
13 right now, but if there is a proposal to  
14 develop, this will give the property owner  
15 essentially the same ability to construct  
16 something that she would have had prior to  
17 the city taking the highway easement across  
18 the frontage of the property.

19 So that's the intent today.

20 It is the minimum variance  
21 necessary because we have already taken that  
22 width of an easement, the construction has  
23 already occurred. There is no lesser  
24 variance that could be granted right now that  
25 would provide the property the relief that,

1           you know, to allow the same type of, you  
2           know, development in the future, potentially  
3           that it would have had.

4                        There is no proposed  
5           development at this point.  It's just, you  
6           know, theoretical in the future, we want the  
7           property to be able to be used for the same  
8           uses, same purposes.

9                        So if you have any  
10          questions, that's basically the intent.  I'm  
11          here for any questions you have.

12                       CHAIRPERSON GRONACHAN:  That was  
13          a very good presentation.

14                       MS. KRIEGER:  Yep.

15                       CHAIRPERSON GRONACHAN:  Is there  
16          anyone in the audience that wishes to make  
17          comment?

18                       (No audible responses.)

19                       CHAIRPERSON GRONACHAN:  Seeing  
20          none, is there any correspondence?

21                       MR. MONTVILLE:  There were 23  
22          letters mailed, three letters returned, zero  
23          approvals, zero objections.

24                       CHAIRPERSON GRONACHAN:  Okay.  
25          Building department?

1 MR. BUTLER: Only thing I would  
2 say is that studies have shown that this area  
3 is a high impact for accidents and this would  
4 mitigate that balance of that turning lanes.  
5 No additional comments.

6 CHAIRPERSON GRONACHAN: Thank  
7 you. In fact, that's how this came about,  
8 right, because it was a high impacted --  
9 there was an increase in the accidents at  
10 that intersection which brought this all  
11 about?

12 MS. SAARELA: Correct. This is  
13 for public safety, the city project.

14 CHAIRPERSON GRONACHAN: Board  
15 members? Member Sanghvi.

16 MR. SANGHVI: Thank you. I  
17 understand that this is an effort by the city  
18 to preempt any future problems by the  
19 property owners, they build anything over  
20 there?

21 MS. SAARELA: That's correct.  
22 The property owner is aware of this variance.  
23 We are in contact with the property owner's  
24 attorney right now trying to negotiate, you  
25 know, the value of the easement. So they're

1 aware of this and they have not objected.  
2 They realize that by obtaining this variance,  
3 it will, you know, allow the property to be,  
4 you know, developed in the future.

5 MR. SANGHVI: I think I want to  
6 commend the city for doing this in advance on  
7 behalf of the property owners, so they don't  
8 have any future problems and it is a step in  
9 the right direction for the public good and I  
10 have no objection at all whatsoever. Thank  
11 you.

12 CHAIRPERSON GRONACHAN: Member  
13 Krieger?

14 MS. KRIEGER: I agree.

15 CHAIRPERSON GRONACHAN: Anyone  
16 else? I think this is great. I think that  
17 it just shows that Novi is proactive and to  
18 keep an eye our residents and I'm in full  
19 support.

20 Honestly for all the years  
21 I've lived here, and for the other cities  
22 that I have lived in, I have never seen a  
23 city watch over their residents the way we  
24 do. So I commend the city for taking this in  
25 right direction.

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So I'm in full support.

MR. PEDDIBOYNA: I wish good luck  
for Novi.

CHAIRPERSON GRONACHAN: There you  
go. And with that, would anyone like to  
entertain a motion.

MR. MONTVILLE: I'm prepared to  
make a motion at this time.

CHAIRPERSON GRONACHAN: Member  
Montville.

MR. MONTVILLE: I move that we  
grant the variances in Case No. PZ16-0022,  
sought by the City of Novi public services  
department, at 26900 Beck Road and 47277  
Grand River Avenue, as the petitioner has  
established that the City of Novi, Grand  
River dual left turn land project requiring  
the city to take a variable width highway  
easement, which is 10 feet wide at its widest  
point, across and front to the parcels for  
the purpose of shifting the existing pathway  
and the utility poles of the existing  
right-of-way to accommodate the turn lane  
causes a practical difficulty relating to the  
property, including some or all of the

1 following criteria.

2 The petitioner has  
3 established the physical condition of the  
4 property creates the need for a variance,  
5 because the city's road project will cause a  
6 property setback to be measured from the back  
7 of the highway easement and otherwise reduce  
8 a buildable portion of the property by up to  
9 10 feet, to accommodate relocation of the  
10 pathway, utility poles within the highway  
11 easement.

12 Furthermore, the condition  
13 is not personal or economic hardship. The  
14 need for the variance is not self-created, as  
15 the city initiated the project to the public  
16 benefit to improve the flow of traffic along  
17 Grand River and Beck Road.

18 Strict compliance with  
19 dimensional regulations of the zoning  
20 ordinance, including measuring the setbacks  
21 from the back of the highway easement, the  
22 city has required, might reduce a portion of  
23 the property, but the property owner could  
24 construct building improvements within, and  
25 may unreasonably prevent the petitioner from

1 using the property for the permitted purpose  
2 because a smaller building might be required  
3 to comply with the setback in the highway  
4 easement.

5 The petitioner has  
6 established that this variance is the minimum  
7 variance necessary, has a lesser variance,  
8 would not provide the property owner with the  
9 same options for development, as the property  
10 owner might have had prior to the city's  
11 acquisition of the highway easement.

12 The requested variance will  
13 not cause adverse impact on surrounding  
14 property, property values, or the enjoyment  
15 of property in the neighborhood or zoning  
16 district because it will merely permit the  
17 property owner the ability to construct the  
18 same and substantially similar development  
19 that the owner could otherwise have  
20 constructed prior to the city's acquisition  
21 of the highway easement.

22 MR. PEDDIBOYNA: Second.

23 CHAIRPERSON GRONACHAN: It's been  
24 moved and seconded. Is there any further  
25 discussion?

1 Monica, please call the  
2 roll.  
3 MS. DRESLINSKI: Member Krieger?  
4 MS. KRIEGER: Yes.  
5 MS. DRESLINSKI: Member Sanghvi?  
6 MR. SANGHVI: Yes.  
7 MS. DRESLINSKI: Member Byrwa?  
8 MR. BYRWA: Yes.  
9 MS. DRESLINSKI: Member  
10 Peddiboyna?  
11 MR. PEDDIBOYNA: Yes.  
12 MS. DRESLINSKI: Member  
13 Montville?  
14 MR. MONTVILLE: Yes.  
15 MS. DRESLINSKI: Chairperson  
16 Gronachan?  
17 CHAIRPERSON GRONACHAN: Yes.  
18 MS. DRESLINSKI: Motion passes  
19 six to zero.  
20 CHAIRPERSON GRONACHAN:  
21 Congratulations. Your  
22 variance has been granted.  
23 MS. SAARELA: Thank you.  
24 CHAIRPERSON GRONACHAN: With  
25 that, are there any other matters for

1 discussion this evening?

2 I would like -- I have one  
3 thing to add.

4 So, we were having problems  
5 just all of know that no -- the petitioners  
6 were not sending in blank pages with their  
7 applications.

8 And Charles and Larry and  
9 Monica worked feverishly over the last two  
10 days and did try to communicate that with all  
11 of us, so you knew that, when you downloaded  
12 it, there was additional information. I  
13 tried to reach out as best I could.

14 So my suggestion, if you  
15 have a problem next month, downloading your  
16 cases, when Monica emails you the day that  
17 she is going to download it, please download  
18 that day.

19 So if we do have a problem  
20 the building department is not scrambling at  
21 the last minute. That's why we do it ahead  
22 of time. I know everybody is busy. I'm  
23 going to ask you to do that for them.

24 If you do have blank pages,  
25 you have two options. One, call Monica, and

1 she'll get that paperwork to you, or two, you  
2 can go to the Novi website. And the actual  
3 case will be there.

4 However, for you newbies, if  
5 there is confidential correspondence that are  
6 given to us, it will not be on the Novi  
7 website. Okay. I just want you to know that  
8 they are working on the problems very  
9 diligently and if you see something -- or you  
10 have got my email let me know, I will get in  
11 touch with Charles or Monica, if you are able  
12 to, because of work commitment or you're on  
13 the road or whatever, so we can work together  
14 as a team, they want us to get -- have as  
15 much information, the correct information as  
16 possible. So you know that there is -- we  
17 can get that to you.

18 Having said this, I will  
19 entertain a motion to adjourn.

20 MR. SANGHVI: So moved.

21 MR. MONTVILLE: Second.

22 CHAIRPERSON GRONACHAN: It's been  
23 moved and seconded. All those in favor.

24 THE BOARD: Aye.

25 CHAIRPERSON GRONACHAN: Meeting

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adjourned.

(The meeting was adjourned at 8:10 p.m.)

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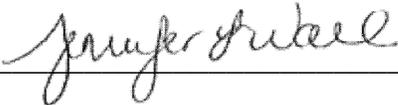
1 STATE OF MICHIGAN )  
 2 ) ss.  
 3 COUNTY OF OAKLAND )

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

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

17 IN WITNESS THEREOF, I have hereunto set my hand at the  
 18 City of Walled Lake, County of Oakland, State of Michigan, this  
 19 6th day of July 2016.

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 \_\_\_\_\_  
 Jennifer L. Wall CSR-4183  
 Oakland County, Michigan  
 My Commission Expires 11/12/15