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    REGULAR MEETING - ZONING BOARD OF APPEALS
    CITY OF NOVI
    July 12, 2016
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Taken in the matter of the ZONING BOARD OF APPEALS, at City of
Novi, 45175 West Ten Mile Road, Novi, Michigan, on Tuesday, July
12, 2016
BOARD MEMBERS
Cindy Gronachan, Chairperson
Jonathan Montville, Secretary
Linda Krieger
David Byrwa
Mav Sanghvi
Joe Peddiboyina
Brent Ferrell
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, July 12, 2016 |  |
| $7: 00$ p.m. |  |
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CHAIRPERSON GRONACHAN: I'd like to call the July 2016 Zoning Board of Appeals meeting to order. Would you please all rise for the Pledge of Allegiance.
(Pledge recited.)
CHAIRPERSON GRONACHAN: Monica, can 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 Sanghvi?
MR. SANGHVI: Yes.
MS. DRESLINSKI: Member
Montville?
MR. MONTVILLE: Here.
MS. DRESLINSKI: Member
Peddiboyina?
MR. PEDDIBOYINA: Yes.

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(No audible responses.)
CHAIRPERSON GRONACHAN: Seeing none, we will move right along to our first case, PZ16-0023, Mr. Ahern from Heartwood Drive. Is the petitioner here?

The petitioner is not here.
We are going to postpone that one and see if they show up -- with the traffic out there, perhaps they're a little late.

We are moving right along at lightning speed.

We will go to Case No. PZ16-0024, Shastco, LLC. Is the petitioner here?

MR. BITINS: Yes.
CHAIRPERSON GRONACHAN: Come on
down, please. The applicant is requesting variances from the City of Novi to allow placement in the sideyard to allow reduction of an exterior sideyard setback for installation of a generator.

Gentlemen, are you both
giving testimony this evening?
MR. BITINS: Yes.


Department has any report on this, but they were the ones who actually suggested that we go to with this approach.

So if there is any
questions, I could -- you know, if there is something specific, $I$ could, you know, answer any questions, if there are any.

CHAIRPERSON GRONACHAN: Perhaps it might be helpful as to what the need of the generator is and what type of business you're doing for the need.

MR. MCPHERSON: It's a computer based business with a lot of trucking. It's warehouse and an office, roughly 40 employees there. We go down without power, our pumps for our truck well don't work, the lighting doesn't work, the computers don't work and being an internet based company, they could lose a lot of business.

CHAIRPERSON GRONACHAN: Is there anything else that you would like to add?

MR. BITINS: No, like I said, you
know, it's shown on the drawings.
We are going to provide
landscaping to screen the generator.

CHAIRPERSON GRONACHAN: Do you have those drawings with you tonight?

MR. BITINS: I do. It's rolled up a little bit, but that's the generator. You know, the little square box there, just below the 180. And there is screening around that. We are going to provide arborvitae, you know, it's typical of the city's landscape detail for utility boxes. We referenced the city's standards for both the planting, and we have another detail specifically on the sheet. I think it's C-6. We do have the gas line out front, so that was the logical place to put it. It's the generator screening detail on a little bit more smaller scale. This was just adapted from what was on the city's landscape detail sheet. Usually there is a smaller utility transformer and this is slightly larger, so we just expanded it a little bit. But it pretty much follows the city standard for screening utility type structures.

CHAIRPERSON GRONACHAN: Okay.
Anything else?
MR. BITINS: No, it's pretty
simple. We really had nowhere else to put the generator, that made sense.

CHAIRPERSON GRONACHAN: Thank
you. Is there anyone in the audience that wishes to make a comment at this time? Seeing none, building department.

MR. BUTLER: No comment at this time, but I'll stand by for comments. CHAIRPERSON GRONACHAN:

Mr. Secretary, is there any correspondence?

MR. MONTVILLE: Yes, there were 14 letters mailed, one returned. That was just a return to sender, zero approvals and zero objections.

CHAIRPERSON GRONACHAN: All
right. Thank you. Board members. Member Sanghvi.

MR. SANGHVI: I came and saw your site. I see there is nowhere else you can put it without being visible anywhere.

MR. BITINS: The whole site is pretty open.

MR. SANGHVI: It's wide open. I
understand your need for it. So I have no
hesitation in supporting your application. Thank you.

CHAIRPERSON GRONACHAN: Anyone
else? Member Montville.
MR. MONTVILLE: One thing on the south side, the additional landscaping that's going on, $I$ think it's actually an esthetic improvement to the facade of the building right now, so as far as impact of the surrounding areas, I think it's an improvement and step in the right direction. I have no problem supporting the proposal at this point.

## CHAIRPERSON GRONACHAN: Anyone

 else?(No audible responses.)
CHAIRPERSON GRONACHAN: No other
comments. Is there a motion. Member Montville.

MR. MONTVILLE: I move that we grant the variance requested in Case No. PZ16-0024, sought by Shastco, LLC for a reduction of the exterior sideyard setback as petitioner has shown practical difficulty requiring the reduction of the setback.

Without the variance, petitioner will be reasonably prevented or limited with respect to the proper power generation and backup plan, if they do lose power, given the nature of their business. The property is unique because as the petitioner noted, the location of the gas line would also be -- the parking lot to the north and the limited space on the west side of the lot making the south area the only place for the generator. The petitioner did not create the condition as the building was previously built, and again the gas line and surrounding areas of the lot.

The relief granted will not reasonably interfere with adjacent and surrounding properties, due to the small size of the generator and also the additional landscaping be added around the generator.

The relief is consistent with the spirit and intent of the ordinance.

And for those reasons, I move that we support and pass the variance as requested.

MS. KRIEGER: Second.

variance has been granted. Congratulations and good luck.

MR. BITINS: Thank you very much.
CHAIRPERSON GRONACHAN: Our next case is Premier MRI CT at 25500 Meadowbrook Drive.

Is the petitioner here?
Would you like to come down.
The applicant is requesting a use variance, which from the City of Novi to allow placement of a mobile MRI trailer on site for two days and two nights a week to support a medical facility.

Good evening. Are you both going to be giving testimony this evening? MR. WOOD: Possibly, yes.

MS. SPITZ: If needed.
CHAIRPERSON GRONACHAN: All
right. So would you please both state and spell your names, and then we are going to swear you in.

MS. SPITZ: Lissa Spitz,
L-i-s-s-a, S-p-i-t-z.
MR. WOOD: Gary Wood, G-a-r-y,
W-o-o-d.

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building. They also control the use of mobile devices. Because of the regulations that they have, it's almost impossible to put in a fixed site MRI.

So to be able to service medical offices, it's common to have these mobile sites, where they could be used one or two or three days a week given the locations. We are attached with -actually our parent company is Michigan Head and Spine institute. It's a large neurosurgical practice. I believe we have about 16 neurosurgeons now. They make use of these MRI exams as part of their preoperative and post-operative planning for patients, and for the care of the patients.

So the reason that it's a mobile MRI is largely because for us to provide this service to the physicians, the only way you can get it to the site is to be mobile.

As an additional piece of information, we currently have this service at our previous location. We are moving sites from a location near Twelve and Beck,
to the Meadowbrook building, so the mobile already is present at that Twelve Mile location. So it's movement of a current Novi service to a new building basically.

CHAIRPERSON GRONACHAN: Okay.
Anything else? Thank you.
Clearly there is no one in the audience to make comment on this case.

Building department, do you have any comments?

MR. BUTLER: I do believe that it is in a great location, next up to the building.

It does look like a nice
medical trailer. I have been in those before, but it kind of adds to the persona of the building there. It doesn't look bad at all.

Is that powered from the building, is there a power source, it's not running on a generator, is that correct?

MR. WOOD: The only time it's on generator is when it's moving. And if there were a temporary loss of power, it would be on generator for a short period of time.

It's in our best interest, if there a power loss, we usually have the trucking company and move it to a sight where we can plug it into electricity.

An MRI cannot stay without power for any length or period of time, so it will be powered from electrical source in the building.

MR. BUTLER: No additional
comments.
CHAIRPERSON GRONACHAN: Thank
you. Is there any correspondence?
MR. MONTVILLE: 33 letters
mailed, five letters returned, zero approvals and zero objections.

CHAIRPERSON GRONACHAN: Okay. Board members. Member Sanghvi.

MR. SANGHVI: I went and looked around your site. And it's a huge place. Why did you pick the west side instead of going on the east side?

MR. WOOD: There was a lot of conversation about that, dealing with the building manager, there was a lot of concern about esthetics and blocking windows of
potential rental space.
In addition, the exterior wall, the trailer would be parked at, it corresponds nicely to an existing business that we have there, which we are going to be using as a reception. It's more convenient, and esthetically it was one of the best locations so it didn't block renters from seeing that big trailer outside their window. MR. SANGHVI: On the one side nobody would have even seen known that it was there.

MS. SPITZ: There was one other consideration with the location that we chose. That was that we could make the portable stall, if we put it on the north side, where it had originally been planned, when the building was built, we could have it built along the lake from the building to go get to it. So, in this location, we have to do that, and we could make it compact.

MR. SANGHVI: We are not implying the Twelve Mile road location? MS. SPITZ: No. MR. SANGHVI: I have no problem.

Thank you.
CHAIRPERSON GRONACHAN: Anyone
else? Member Byrwa.
MR. BYRWA: This MRI services
isn't provided at like Providence Hospital, or --

MR. WOOD: All hospitals have MRIs.

MR. BYRWA: Why is it needed on a temporary basis?

MR. WOOD: When the neurosurgeons have clinic days, sometimes they don't know that they want an MRI until they see the patient.

So we frequently do these
exams the same day for them. Plus it's a capacity issue. If you go to a hospital for an MRI, and I worked 35 years on the hospital side, you will spend 20 minutes trying to park your car, spend a half hour at registration, and then you will spend two hours waiting for your exam in the MRI.

So, when patients come to
these outpatient facilities, they usually can get in and out in about 45 minutes. So,
there is a convenience factor.
There is also a convenience for the physicians because they can get the results for their patients same day and provide more time and care for them.

MR. BYRWA: Okay. Thank you. CHAIRPERSON GRONACHAN:

Member Peddiboyina? MR. PEDDIBOYINA: How often do you use the generator, you know, experience? MR. WOOD: I have been working for this company for six years. We have two trailers, two mobile MRIs.

I would say it's been less than five times in six years, that the trailer has had to run on generator.

Like I said, when that happens, typically, we get the trucking company out there within about, I would say three hours is a conservative estimate, to move the trailer for another site where we can plug it back in.

Once the trailer is on a generator, I have to physically have somebody there baby-sitting the generator because you
don't want it to -- if the generator would run out of fuel, it could put the magnet in jeopardy.

So we don't like to leave it running on generator for any length or period of time, but $I$ would say it's a very small percentage of time that it's running on generator, except when it's moving.

MR. PEDDIBOYINA: I have no objection.

CHAIRPERSON GRONACHAN: Anyone
else? Member Krieger?
MS. KRIEGER: Do you have a map or a picture that you could put on the overhead there.

MR. WOOD: Sure.
MS. KRIEGER: I saw there was a pad on the north side, so you're going to put a new one on the east side?

MS. SPITZ: West side.
MR. WOOD: The pad that is there
is well into the parking lot. It's
inadequate for this mobile trailer. It
doesn't have the proper depth or support to meet the trailer requirements. MRIs are very
susceptible to the vibration, so the pads have to be very specifically poured.

I addition to that, the pad that is existing there is on the other side of the sidewalk. As mentioned, if we were to build a dock for our trailer, we would have to build a 20 by 20 or 30 -foot alcove out to meet that. We also would impede the sidewalk on that side of the building. So it really was not -- the building cost for building that alcove and the impediment that it will create for the sidewalk was really probative.

MS. KRIEGER: I was wondering about the rationale for which side you were picking. And also, the two days or two nights a week, do you know when that's going to happen?

MR. WOOD: It's Tuesdays and Wednesdays nights. We are still dealing with the state side of this.

We anticipate that we will get approval for a certificate of need to move this existing magnet over to the Meadowbrook building.

MS. KRIEGER: So same amount of


MR. PEDDIBOYINA: Premier MRI/CT. MR. WOOD: That's the title of our company.

MR. PEDDIBOYINA: Thank you.
MR. WOOD: A CT scanner would not be coming in and out of that mobile site.

CHAIRPERSON GRONACHAN: Member Ferrell.

MR. FERRELL: Thank you, Madam Chair.

Is there any kind of
restrictions on a time limit that it's going to be there?

MS. SAARELA: I mean, this is not
a permanent use right now. So if your going to put restrictions on a time limit, that would be something you would be creating. MR. FERRELL: There is nothing set?

MS. SAARELA: Nothing in there.
MR. BYRWA: Excuse me. Isn't
that variance good for only one year, if he chooses to do it next year, he would have to come back and request another variance? MS. SAARELA: I don't know that

MR. BYRWA: It would be ongoing year after year after year?

MS. SAARELA: Yes.
CHAIRPERSON GRONACHAN: Generally when we are -- once we set out a variance, it would up to the board, if we decide to do the time limit. Did you have anything else?

MR. BYRWA: No.
CHAIRPERSON GRONACHAN: Member
Ferrell?
MR. FERRELL: All good.
CHAIRPERSON GRONACHAN: I can relate to getting in the car, driving to the emergency room, and waiting hours for an MRI. When you are a patient, the last thing you want to do is sit.

So I can understand the confusion in that this is a mobile unit, why don't you just pick it up and throw it into
the building, but I also understand there is state involvement. I also understand that there is other units throughout the area, and that this business has been established in Novi for a number of years at your other location.

Just for clarification
purpose, why was there no variance needed at that location, at the other location for your mobile unit? Go to the building department --

MR. BUTLER: I am not familiar with why it was not needed.

CHAIRPERSON GRONACHAN: Is that
up --
MR. WOOD: I don't know the
answer to that, except to say that that dock, the mobile dock there existed before I came to work for this company.

So it was -- I don't even
know when it was built. It was probably built seven, eight years ago. I'm not sure.

CHAIRPERSON GRONACHAN: Okay. So
I think that the petitioner has indicated the need, and indicated the uniqueness for this
property. I also feel that given the set of circumstances that they presented in their case, they do have a justification for this use, and I am in full support and would entertain a motion. If there is no further discussion. Member Peddiboyina? MR. PEDDIBOYINA: No. CHAIRPERSON GRONACHAN: Member Krieger.

MS. KRIEGER: In Case No. PZ16-0026, sought by petitioner, Premier MRI/CT Scan, I move to approve the request, for their practical difficulty, in relation to the property is unique, that this business has previously been stated, as --

MS. SAARELA: Member Krieger, I'll just stop you right there because it's not a practical difficulty case, it's an undue hardship case.

So before you go through the trouble of reciting that standard, you have to start with standard one.

It cannot be reasonably used for use permitted by way of special land use permit. There is no practical difficulty
consideration in this one. It's a undue hardship.

MS. KRIEGER: Thank you.
The property cannot be reasonably used for any of the uses permitted by right or by special land use permit in the zoning district in which it is located.

This is a medical specialty, medical building with neurologists that have special use for patients, and this is permitted use.

The tenant would not be able to -- they will be asking for two days and two nights a week, which they have stated around Tuesday, Wednesday, they are working that out with the state.

The need for their requested variance is due to their unique circumstances and physical conditions of the property. The location, they need a special pad for the MRI to get the best picture. The proposed use will not alter the essential character of the neighborhood. It isn't an office district area. The need for the requested variance is not the result of actions of the property


so I would like to postpone it at this point, if that's everybody preference, and is in agreement with that.

I move that we move -- that we table it until the August meeting, and the building department can contact the petitioner and find out perhaps what is going on. All those in favor.

THE BOARD: Aye.
CHAIRPERSON GRONACHAN: Been
approved to table until August.
Is there any further
discussion for this evening --
MS. SAARELA: Can we clarify what date in August that is.

MS. DRESLINSKI: August 9.
CHAIRPERSON GRONACHAN: August 9.
Are there any other matters to discuss? This is the fastest meeting in he history of Novi, under 30 minutes.

Therefore, I will entertain a motion to adjourn. All those in favor.

THE BOARD: Aye.
CHAIRPERSON GRONACHAN: Meeting adjourned.

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STATE OF MICHIGAN )
                ) SS.
COUNTY OF OAKLAND )
I, Jennifer L. Wall, Notary Public within and for the County of Oakland, State of Michigan, do hereby certify that the proceedings taken were stenographically recorded in the presence of myself and afterward transcribed by computer under my personal supervision, and that the said proceedings are a full, true and correct transcript.
I further certify that \(I\) am not connected by blood or marriage with any of the parties.
IN WITNESS THEREOF, I have hereunto set my hand at the City of Walled Lake, County of Oakland, State of Michigan, this 11th day of August 2016.
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Jennifer L. Wall CSR-4183
Oakland County, Michigan
My Commission Expires 11/12/15

