

REGULAR MEETING - ZONING BOARD OF APPEALS

CITY OF NOVI

May 12, 2015

Proceedings taken in the matter of the ZONING BOARD OF APPEALS, at City of Novi, 45175 West Ten Mile Road, Novi, Michigan, on Tuesday, May 12, 2015

BOARD MEMBERS

Cindy Gronachan, Chairperson

Linda Krieger, Secretary

Rickie Ibe

Mav Sanghvi

David Byrwa

Jonathan Montville

ALSO PRESENT: Thomas Walsh, Building Official

Beth Saarela, City Attorney

Coordinator: Stephanie Ramsay, Recording Secretary

REPORTED BY: Jennifer L. Wall, Certified Shorthand Reporter

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Novi, Michigan.

Tuesday, April 7, 2015

7:00 p.m.

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CHAIRPERSON GRONACHAN: I would like to call the Tuesday May 12, Zoning Board of Appeals meeting to order.

Would Member Krieger like to lead us in the Pledge of Allegiance. Please stand.

(Pledge recited.)

CHAIRPERSON GRONACHAN:

Ms. Ramsay, will you please call the roll.

MS. RAMSAY: Member Ferrell is absent, excused.

Member Ibe?

MR. IBE: Present.

MS. RAMSAY: Member Krieger?

MS. KRIEGER: Present.

MS. RAMSAY: Member Sanghvi?

MR. SANGHVI: Here.

MS. RAMSAY: Member Byrwa?

MR. BYRWA: Present.

MS. RAMSAY: Member Reichert is

1 absent, excused.

2 Member Montville?

3 MR. MONTVILLE: Yes.

4 MS. RAMSAY: And Chair Gronachan?

5 CHAIRPERSON GRONACHAN: Here.

6 I will note tonight that we  
7 are missing two members of the board,  
8 however, we do have a full board with our  
9 alternate, Member Montville, who will be  
10 voting this evening.

11 There are some rules and  
12 format of how our meetings are run in the  
13 back of the room. I'm asking everyone to  
14 please turn off their cellphones at this  
15 time.

16 The applicants and the  
17 representatives for each case will be called  
18 forth, you will state your name and spell it  
19 for the secretary.

20 You will be allowed five  
21 minutes to address the board. And if there  
22 is anyone from the surrounding areas that  
23 wish to make comments in regards to the case  
24 they will be called upon.

25 Our next moment would be to

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approve the agenda to this evening.

Are there any changes or additions to the agenda?

(No audible responses.)

CHAIRPERSON GRONACHAN: All those in favor of the agenda for this evening say aye.

THE BOARD: Aye.

CHAIRPERSON GRONACHAN: Any opposed?

(No audible responses.)

CHAIRPERSON GRONACHAN: The agenda is so approved.

We have the minutes from March 10th and April 7 that were postponed until this meeting.

Are there any changes or additions to the minutes?

(No audible responses.)

CHAIRPERSON GRONACHAN: All members in favor of approving the minutes from March 10th and April 7 say aye.

THE BOARD: Aye.

CHAIRPERSON GRONACHAN: Any opposed?

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(No audible responses.)

CHAIRPERSON GRONACHAN: Seeing none, the minutes for March 10th of 2015 and April 7 are approved.

At this time, I would like to ask the audience if there is anyone that wishes to make a comment in regards to any concerns or items that may be coming to the ZBA in the future, would come forth and voice your opinion at this time.

This is not for members of the audience that have anything to say about the cases for this evening.

If there anyone out there has any anything to offer to the ZBA this evening?

(No audible responses.)

CHAIRPERSON GRONACHAN: Seeing none, we will call our first case, PZ15-001, Jimmy Asmar on behalf of the Homewood Suites.

This applicant is requesting a variance for the City of Novi to allow construction of a five-story extended stay hotel.

They're requesting three

1 variance -- four variances, I'm sorry.

2 Is the petitioner here?

3 Would you please come forward  
4 and state your name.

5 Are you both going to give  
6 testimony this evening?

7 MR. ASMAR: Good evening, yes.

8 CHAIRPERSON GRONACHAN: Would you  
9 please both state your names and spell them  
10 for the secretary and then raise your right  
11 hand for Ms. Krieger and be sworn in.

12 MS. KRIEGER: In Case No.  
13 PZ15-0001, for Jimmy Asmar on behalf of  
14 Homewood Suites do you swear to tell the  
15 truth in this case?

16 MR. ASMAR: Yes.

17 MR. ANDRE: I do. Andy Andre  
18 from Budd Design and Engineering.

19 MR. ASMAR: Jimmy Asmar.

20 MS. KRIEGER: Could you spell  
21 your names for our court reporter.

22 MR. ANDRE: Last name is Andre,  
23 A-n-d-r-e, first name Andy.

24 MR. ASMAR: Jimmy Asmar, last  
25 name, A-s-m-a-r.

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MS. KRIEGER: Thank you.

CHAIRPERSON GRONACHAN: Gentlemen  
, please proceed.

MR. ANDRE: Thank you very much.  
We are coming forth asking for several  
variances that effect the property. We have  
been to the planning commission and have been  
through a preliminary site plan approval and  
now are asking for a couple of variances that  
go along with this development as well.

What we are proposing is a  
five-story hotel, Homewood Suites, which is  
an extended stay hotel near the intersection  
of Town Center and Eleven Mile Road.

It's a vacant parcel right  
now, has frontage along Town Center, right  
where the roadway is under construction.

This is a unique parcel in  
that there is a number of different  
constraints that are associated with it.

When you look at the drive  
that enters off Town Center, and heads down  
to several other hotels, there is a  
cross-access easement, which provides access  
to the other hotels that are in the area.



1           That driveway is on -- is part  
2 of this parcel, so there is an easement over  
3 that area.

4           But overall, the parcel is  
5 1.87 acres in size, so actually it's a  
6 relatively small parcel. It's effected on  
7 the south by that drive, and then as well  
8 when you look along the frontage, there is  
9 some existing utilities that run along the  
10 frontage. There is some vegetation, several  
11 trees as well along Town Center.

12           There is a 20-foot water main  
13 easement that runs across this parcel, again,  
14 onto the portion of the property.

15           So we have worked very closely  
16 with the planning staff, the fire department  
17 to develop a plan that would meet all of  
18 those requirements.

19           We also have a walkway that  
20 runs along the frontage of Town Center again  
21 on the property. So this 1.87 acres becomes  
22 very condensed, and which again makes it very  
23 unique.

24           A couple of the variances that  
25 we are asking for are related to the parking,

1 parking setbacks.

2 One would be on the north  
3 side, and again, positioning of the building,  
4 positioning of the property, the site, onto  
5 the property was worked with staff and  
6 because of the encumbrance that we have with  
7 the drive on the southern side, we had to  
8 shift our development a little bit further  
9 north. So we met the requirements along the  
10 southern and the western property, but along  
11 the northern portion we came a little bit  
12 closer than the setback would allow and hence  
13 we are looking for the variance.

14 On the east side, when it --  
15 regarding the parking, if you have been out  
16 to the property, you have seen there is  
17 already an existing parking lot out there.

18 Again, that's part of the  
19 shared access that's in place with this  
20 property. I think it works out very well,  
21 but again, that -- I would say it is almost  
22 about half way through that parking area is  
23 the property line.

24 And so again it condenses down  
25 the developable area. So as part of that, we

1 are integrating our parking and our  
2 circulation and our drives with these  
3 cross-access opportunities. We are now  
4 proposing a new drive onto Town Center. We  
5 are going to utilize the existing ingress and  
6 egress that's already there.

7 Regarding the loading and  
8 unloading, there are several hotels in the  
9 area, right in the immediate vicinity and  
10 what we notice also is these -- both of those  
11 properties, I didn't notice, have loading and  
12 unloading.

13 Hotels and hospitality are  
14 moving away from that because as part of this  
15 development, they are going to have  
16 breakfast, so it will be breakfast only. So  
17 there is not a high volume of traffic by food  
18 service and different things like that, so a  
19 dedicated space for loading and unloading  
20 really isn't necessary because they don't  
21 generate the volume. Small volume when it  
22 comes to food service, linens that type of  
23 thing, once a week type of deliveries, and so  
24 to dedicate a large area of space, we  
25 actually worked with planning staff to engage

1 more green space as part of the property in  
2 place of the loading and unloading and meet  
3 the landscaping requirements.

4 And then the last one is in  
5 regards to the dumpster location. Again, we  
6 positioned the dumpster location would be on  
7 the northeastern portion of the property,  
8 furthest away from Town Center, furthest away  
9 from the existing hotel of the buildings,  
10 utilizing again that cross-access. We  
11 positioned it so that we can gain access  
12 directly in and out, but because of again the  
13 setbacks issue, the drive to the south when  
14 we pushed the site plan a little bit further  
15 north, we got into that parking setback again  
16 a little bit. Talked a lot with Shereen (ph)  
17 in planning about this, they felt that the  
18 overall development really worked well here,  
19 just addressing these last couple of items  
20 here.

21 So we are asking for your  
22 consideration when it comes to these items.

23 I'll be happy to answer any  
24 questions you have as well.

25 CHAIRPERSON GRONACHAN: Thank you

1 very much.

2 Mr. Asmar, do you have  
3 anything more to offer?

4 MR. ASMAR: That's everything.

5 CHAIRPERSON GRONACHAN: Thank  
6 you. Building department?

7 MR. WALSH: No comments at this  
8 time, thank you.

9 CHAIRPERSON GRONACHAN: Board  
10 members? Wait. I'm sorry. Our secretary.  
11 Our correspondence that we have?

12 MS. KRIEGER: In Case No.  
13 PZ15-0001, 12 letters were mailed, two  
14 letters returned, no approval, or objection  
15 letters received.

16 CHAIRPERSON GRONACHAN: Thank  
17 you.

18 Now board members. Questions?  
19 Member Sanghvi.

20 MR. SANGHVI: Thank you, Madam  
21 Chair.

22 Do you think we can have this  
23 site plan on the screen so the people at home  
24 can see it.

25 CHAIRPERSON GRONACHAN: Is that

1 possible, we can get the site plan up on  
2 the --

3 MR. WALSH: I don't have the  
4 ability to do that.

5 CHAIRPERSON GRONACHAN: Evidently  
6 we don't have that.

7 MR. WALSH: Unless they have a  
8 copy.

9 MR. ANDRE: I do have a copy.

10 MR. SANGHVI: Will you do me a  
11 favor and show everybody at home where this  
12 site is located on this --

13 MR. ANDRE: Absolutely. So,  
14 again -- so we have -- this is our hotel,  
15 right in through here, Town Center, that runs  
16 here, this is the existing drive that comes  
17 down. Right along where this pointer is,  
18 that is our property line.

19 Property line bounds here,  
20 here, here. So you can see half of this  
21 roadway is within the property, you know,  
22 creating kind of that area where we want to  
23 keep the separation, there is existing light  
24 poles, there is existing water main that runs  
25 in this area, so we want to leave that

1           undisturbed. Again, so that pushes us a  
2           little bit farther.

3                         Now, we are maintaining our  
4           setbacks here, we are maintaining our  
5           setbacks here, but we come a little bit  
6           pinched up in this area, through here. But  
7           when you look at it as a whole, from where  
8           we're proposing our curb line, to the  
9           adjacent curb line, there is quite a bit of  
10          green space in there. And there is some  
11          well-established vegetation as well.

12                        On the east side, again, when  
13          we rundown through here, you can see that's  
14          the property line, that's the parking area  
15          that we are talking about how we are  
16          integrating in our circulation. We worked  
17          very, very closely with the fire department  
18          to make sure that we had circulation, we  
19          provided a secondary means of egress here. I  
20          think we took what they had very seriously  
21          and worked with them very closely.

22                        And so we have -- we have some  
23          parking in here that creates that setback  
24          issue as well.

25                        And then this is the area

1 where we have the dumpster. Again,  
2 positioning the dumpster where we can come  
3 in, easy circulation in, be able to traverse  
4 out, it makes -- logistically it makes the  
5 most sense for the location. But again, we  
6 encroach a little bit within that parking  
7 setback here.

8 MR. SANGHVI: Thank you very  
9 much. I think this is much clearer now, as  
10 for people at home and I appreciate your  
11 indulgence.

12 I know this location very  
13 well. I have known it for many years. I am  
14 glad you are building something there.

15 And to be quite honest, there  
16 is no other way to do anything else than the  
17 way you have suggested and I have no problem  
18 in granting the variances you have requested.  
19 Thank you.

20 CHAIRPERSON GRONACHAN: Thank  
21 you, Member Sanghvi.

22 I'm still learning how to do  
23 the procedures here and misspoke. I would  
24 like to know if there is anyone in the  
25 audience that has any comment in regard to



1           this case?

2                           Sir, would you please come  
3           down, state your name for the record.

4                           MR. SUNDAY: First name is Ron,  
5           last name Sunday. I am the general manager  
6           of Courtyard that --

7                           MS. KRIEGER: Are you an  
8           attorney?

9                           MR. SUNDAY: No, general manager  
10          for the two hotels that sit right behind this  
11          parcel.

12                          I just wanted to express our  
13          opposition to it because that is a very tight  
14          parcel, as they mentioned.

15                          Fitting a hotel in there would  
16          be tough to do. But the parking that they  
17          mentioned, currently we utilize every space  
18          of that parking. I actually would have to  
19          check with our ownership group. I always  
20          thought that was our parking. So we utilize  
21          all of it, for when we have sold out nights,  
22          which is typically four nights a week.

23                          You know, the way this is  
24          drafted, now our guests would stare at a  
25          dumpster at the back of that parcel. Our

1 hotel is not far from where that parking line  
2 sits.

3 That's really all I wanted to  
4 express is just the fact that -- I mean,  
5 it's -- you may be able to make it work, but  
6 now all of a sudden, you know, it's  
7 encroaching on our property lines.

8 I know the variance was  
9 typically -- I think it's 20 feet that was  
10 mentioned in the notes, and they're asking  
11 for six feet. I mean, that's 14 feet coming  
12 towards our hotel.

13 CHAIRPERSON GRONACHAN: Thank you  
14 very much.

15 Is there anyone else in the  
16 audience that wishes to make a comment at  
17 this time?

18 (No audible responses.)

19 CHAIRPERSON GRONACHAN: Seeing  
20 none, my apologies to the board for breaking  
21 procedures, but is there anyone at the board?  
22 Board Members?

23 MR. BYRWA: I got a couple of  
24 questions.

25 One is that you mentioned a

1 dumpster. You're providing a dumpster  
2 enclosure on that?

3 MR. ANDRE: Correct, so it will  
4 not be open.

5 MR. BYRWA: The second question I  
6 have is, the fire department kind of gave the  
7 okay on the water main pressure, the status,  
8 residual pressure would be adequate to handle  
9 your suppression system?

10 MR. ANDRE: That's correct. We  
11 worked very closely with them. We engaged  
12 them very early on in order to do both  
13 circulation because obviously the building  
14 will be fully suppressed, and we have -- we  
15 spoke to them very early on about that.

16 In one of the items that's  
17 been brought up is obviously this is a  
18 permitted use within the zoning, we are not  
19 asking for a zoning change or anything to  
20 that effect.

21 And as was mentioned here,  
22 that parking, we are not intending to  
23 interrupt any of the parking there, none of  
24 the parking. This is a shared drive that we  
25 want to utilize because it's already written

1 in, there are easements in place. So these  
2 are easements that are already in place, that  
3 are associated with both properties.

4 And so we are not proposing to  
5 eliminate any parking offsite, or to encumber  
6 any access in and out.

7 If they are full, those areas  
8 are still open for the parking. We are  
9 contained wholly on our site with our parking  
10 and our access as well utilizing the  
11 cross-access.

12 MS. KRIEGER: The curb that's  
13 there right now in the grass, that would be  
14 removed and then it would also be moved over  
15 and that will be a continuous parking area?

16 MR. ANDRE: Actually that is a  
17 very good point.

18 So the drive that comes down  
19 through here, there are existing curbing,  
20 that comes in and around, what we will do is  
21 we will be maintaining that curbing, have an  
22 opening right here for the drive. Again,  
23 this portion, this is the property line, that  
24 opening will be on our property.

25 There is parking that we are

1 proposing along this frontage here on our  
2 property. Again, then with the drive, at  
3 this location, on the property.

4 So that neither drives nor the  
5 parking are proposed to go offsite. It's  
6 just the means of ingress and egress  
7 utilizing the existing easements that are  
8 already in place.

9 MS. KRIEGER: Do you know  
10 offhand, the dumpster, when they do pickup,  
11 like if they did it in the middle of the  
12 night or early in the morning, so if somebody  
13 was sleeping in either area.

14 MR. ASMAR: Typically during the  
15 day, not early morning or late at night  
16 because same thing with our guests, we are  
17 not going to want our guests to be disturbed  
18 by the dumpsters either.

19 MS. KRIEGER: So it will be  
20 enclosed and have landscaping?

21 MR. ANDRE: That's correct, we  
22 are fully landscaped in and around that area,  
23 and screening it so it will be screened.  
24 There are gates on it, you know, be closed,  
25 you know, normal procedures when it comes to

1           that.

2                           MS. KRIEGER:  It's very tough  
3           because it has four sides, four faces almost.

4                           There is something about the  
5           fire -- I saw it -- it said corrected in  
6           part -- I want to backtrack on that.

7                           In our plan that we got in the  
8           computer, from the city it was very  
9           excellent, the presentation.

10                          But the fire asked for 20 feet  
11           and there was 14 that was corrected?

12                          MR. ANDRE:  Let me talk to you  
13           real quickly about it.

14                          I know it's a little bit,  
15           probably because of -- you know, we are  
16           putting this on an overhead.  You will see,  
17           down in this area right here, you can see  
18           there is a fire truck.  We took and we are  
19           simulating the fire truck.

20                          We have a turning program that  
21           we bring the fire truck in and out so that we  
22           worked with the fire chief to show them that  
23           we can get ingress in and out.

24                          What he was concerned with, he  
25           was looking for a secondary means so we

1 provided that right here, and he asked for  
2 20 feet and we provided 20 feet to him there.

3 MS. KRIEGER: And offhand, that's  
4 not related to that, since it's going to be  
5 an extended stay versus an overnight, would  
6 there be a shuttle service, like US Park or  
7 like in some businesses when they have to  
8 take people to the parking lot, would they  
9 have something where people -- since it will  
10 be staying -- like if somebody came from out  
11 of state, staying in your area, and then  
12 drove around the shopping area?

13 MR. ASMAR: We do have a network  
14 of courtesy shuttles, so that will be service  
15 that will be offered for convenience, yes.

16 MS. KRIEGER: Thank you.

17 CHAIRPERSON GRONACHAN: As Member  
18 Krieger will be staying there.

19 Anyone else?

20 I have a question. For the  
21 record, I would like to know how many parking  
22 places do you have? I'm sure it's in our  
23 report, but to clarify on the parking, since  
24 there seems to be a concern.

25 MR. ANDRE: We have a total of 88

1 rooms and we have a total of 90 parking  
2 spaces.

3 CHAIRPERSON GRONACHAN: For  
4 clarification purposes, because I was  
5 confused at the beginning when you started  
6 talking, the parking that's adjacent to this  
7 property, you will not be using, it's not a  
8 shared parking lot?

9 MR. ANDRE: No, that's correct.

10 CHAIRPERSON GRONACHAN: So  
11 everything that as you said, spoke earlier in  
12 your testimony, everything pertaining to this  
13 hotel is on this piece of property?

14 MR. ANDRE: That's correct. The  
15 only thing that we say is there is a  
16 cross-access in place that has ingress and  
17 egress. I think that benefits -- I think  
18 that provides benefit to the city because we  
19 are not proposing another drive access out  
20 onto Town Center.

21 We are utilizing that internal  
22 network in order to do that, so that's  
23 correct.

24 CHAIRPERSON GRONACHAN: What will  
25 prevent your residents from parking in the



1 other parking lot for the other hotel?

2 MR. ANDRE: Probably the same  
3 that doesn't prevent theirs to park in ours.  
4 I think being well delineated, I think one of  
5 the things that -- when we look at that, our  
6 main entry is here, and so, you know, most  
7 people come up, they park -- you know, they  
8 will drop-off, they will utilize that  
9 parking. We have enough parking on the site  
10 itself. We do have a couple spaces over in  
11 here, that's typically for the guests that  
12 will stay in these rooms through here, the  
13 elevator is located in the central core area,  
14 and so we feel that, you know, the majority  
15 of our parking will be centralized in this  
16 area.

17 You know, I don't think there  
18 will be any issues between parking between  
19 the two properties.

20 CHAIRPERSON GRONACHAN: Again for  
21 clarification, and just to ease the  
22 objections, if any, this is not necessarily a  
23 hotel that's going to be offering large  
24 parties or weddings or that sort of thing?  
25 That's not the design of this hotel, correct?

1 MR. ANDRE: No. That's correct.  
2 This is an extended stay hotel, very similar  
3 to another one in the area that is intended  
4 for longer term stays, three to five  
5 evenings, lot of business travelers, that  
6 type. There is no restaurant associated with  
7 it, you know, mentioned the food service is  
8 just for those guests, for the morning  
9 continental type breakfast, so you are not  
10 going to have the weddings or -- you know,  
11 anything like that that would be there.

12 The meeting room is a very  
13 small, intended only for the guests of the  
14 hotel. So no, we wouldn't anticipate  
15 anything like that.

16 CHAIRPERSON GRONACHAN: I have to  
17 say that especially due to the city's new  
18 planning or new staff report that they gave  
19 us, it made doing our homework a lot easier.  
20 I commend Mr. Walsh and the building  
21 department for helping us out doing our  
22 homework.

23 I also want to commend you  
24 gentlemen for doing such a great  
25 presentation. My concern was with the

1 dumpster. I think you have addressed my  
2 concern, and with the parking. Because  
3 you're going to be a new business, you  
4 certainly don't want to be at odds with any  
5 other surrounding business. I don't think  
6 that's the intent. I appreciate the neighbor  
7 coming in, I hope there aren't any other  
8 issues. You know how people are when they  
9 are parking.

10 I think that you've addressed  
11 the concerns that I have at least. Anybody  
12 else on the board that has anything to  
13 question?

14 (No audible responses.)

15 CHAIRPERSON GRONACHAN: Seeing  
16 none, is there a motion?

17 MR. WALSH: Just a clarification.  
18 Petitioner indicated that the fire lane is  
19 shown at 20 feet, however, on the plans it's  
20 indicated 15. But the fire department report  
21 says it must be corrected to 20. I just want  
22 to make sure that that's clear. When you  
23 come in (unintelligible) that the plans are  
24 corrected from 15 to 20.

25 MR. ANDRE: Absolutely.

1 MR. WALSH: That's all. Thank  
2 you.

3 CHAIRPERSON GRONACHAN: Okay.  
4 Anyone for a motion? Member Ibe.

5 MR. IBE: I guess I'll do it.

6 Madam Chair, in Case No.  
7 PZ15-0001, for Jimmy Asmar on behalf of  
8 Homewood Suites, I move that we grant the  
9 petitioner's request as requested.

10 The petitioner's testimony  
11 presented by two representatives have  
12 demonstrated that they demonstrated practical  
13 difficulty in constructing the hotel, that is  
14 intended for this particular parcel.

15 The petitioner has established  
16 that the property, the business location is a  
17 unique place. And it has full frontage, from  
18 what I understand, and there are some --  
19 there are some developments in terms of -- on  
20 one of the frontage that causes the  
21 petitioner to move the construction further  
22 back in, which would require a rear setback  
23 variance in order to insure that the property  
24 is, in fact, constructed.

25 The physical condition of the

1 property itself is such that a variance --  
2 without a variance would make it impossible  
3 to reach the goals set by the petitioner.

4 The need here is not  
5 self-created. Unfortunately, this parcel, of  
6 course, has been the way it is, when it was  
7 purchased by this particular petitioner, who  
8 wish to develop it. They take it as it is,  
9 however, in order to have a meaningful  
10 development, and use of this property,  
11 without a variance, it will be impossible.  
12 It is not self-created. Strict compliance  
13 with dimensional regulations of the zoning  
14 ordinance will either make it unreasonably --  
15 prevent the petitioner from using the  
16 property for the permitted purpose.

17 Petitioner has established  
18 that a variance is the minimum variance --  
19 petitioner has established that the variance  
20 requested is the minimum necessary because a  
21 lesser variance will not be practical for the  
22 use intended here.

23 The requested variance will  
24 not cause adverse impact on surrounding  
25 property, and I must state that we did have

1 an objection from one of the neighbors who  
2 also is in the business of hotel, with  
3 customer service and their concern had to do  
4 with the dumpster that will be positioned, I  
5 think in between the two hotels. But the  
6 petitioner has assured us that it will be  
7 enclosed, so it will not be an eyesore, and  
8 it will not, of course, detract from the  
9 beauty of the area.

10 The petitioner has also stated  
11 that the use of the property is not such that  
12 it will require a large number of people in a  
13 place that will create an atmosphere that  
14 will stop its neighbors and also stated that  
15 the property is for an extended stay, which  
16 means that people who typically would stay  
17 three to five nights.

18 It is not a place for banquets  
19 and conventions, it is merely a place for  
20 most business travelers who have long-term  
21 stay. So the fears that the neighbors might  
22 have, though we take notice of it, but I  
23 don't think it's such that will prevent the  
24 granting of this variance itself.

25 I believe that the property in

1 the area will actually benefit from the  
2 development of this parcel that has been  
3 vacant for a while now.

4 It will bring about much  
5 needed life, and perhaps business will  
6 actually trickle down to the other  
7 surrounding neighbors.

8 So I think that really works  
9 well for everyone in the area.

10 Based on the presentation made  
11 by the applicants, the documents submitted  
12 and the arguments and suggestions presented  
13 by the members, I move that we grant the  
14 variance as requested.

15 MS. KRIEGER: The 20 feet.

16 MR. IBE: The 20 feet required is  
17 for the parking setback, is that correct?

18 MR. ANDRE: That's correct.

19 CHAIRPERSON GRONACHAN: It's been  
20 moved.

21 MS. KRIEGER: Second.

22 CHAIRPERSON GRONACHAN: And  
23 seconded. Is there any other discussion on  
24 this case?

25 (No audible responses.)

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

MS. RAMSAY: Member Ibe?

MR. IBE: Yes.

MS. RAMSAY: Member Krieger?

MS. KRIEGER: Yes.

MS. RAMSAY: Member Sanghvi?

MR. SANGHVI: Yes.

MS. RAMSAY: Member Byrwa?

MR. BYRWA: Yes.

MS. RAMSAY: Member Montville?

MR. MONTVILLE: Yes.

MS. RAMSAY: And Chair Gronachan?

CHAIRPERSON GRONACHAN: Yes.

MS. RAMSAY: Motion passes six to zero.

CHAIRPERSON GRONACHAN: Your variance has been granted. Congratulations, good luck to you and welcome to Novi.

MR. ANDRE: Thank you very much.

CHAIRPERSON GRONACHAN: Our next case is PZ15-0006, James M. Barnwell.

Is Mr. Barnwell here this evening? Come on down.



1 Do you need something to do  
2 your presentation? I saw you're carrying  
3 something?

4 MR. BARNWELL: I think we are all  
5 set. They are just here to assist if we need  
6 them.

7 CHAIRPERSON GRONACHAN: Mr.  
8 Barnwell, would you please state your name  
9 for the secretary then raise your right hand  
10 to be sworn in.

11 MR. BARNWELL: James Barnwell,  
12 B-a-r-n-w-e-l-l.

13 MS. KRIEGER: In Case No.  
14 PZ15-0006, do you swear to tell the truth in  
15 this case?

16 MR. BARNWELL: I do.

17 CHAIRPERSON GRONACHAN: You may  
18 proceed.

19 MR. BARNWELL: Again, Jim  
20 Barnwell, Design, Incorporated, 2183 Plus  
21 Drive. We are here tonight to talk about a  
22 proposed Taco Bell at the corner of Beck Road  
23 and Pontiac Trail.

24 It's being developed as a fast  
25 food restaurant, and we are going to be

1            requesting two variances, one for the loading  
2            and unloading area. And the other one is for  
3            a 6-foot obscuring wall.

4                            The owners and developer who  
5            owns approximately 100 Taco Bells in  
6            southeast Michigan, also operates some in  
7            Wisconsin and Indiana. So they are very  
8            familiar with the operations of Taco Bell.

9                            We have looked at this site.  
10           It was a great site. It's part of the  
11           Shoppes at The Trail, so it was an outlot.

12                            And as such, a lot of the  
13           utilities and storm water management was  
14           prepared and incorporated into the Shoppes at  
15           The Trail, so it made an ideal site to be  
16           developed.

17                            It also has ingress and egress  
18           out to Beck Road, which is existing, on the  
19           north side.

20                            On the east side there is a  
21           drive that goes across and basically serves  
22           the rear of the main building there, and  
23           moves through there. And none on the west  
24           side, it's Beck Road. On the south there is  
25           an existing commercial building, and the wall

1 facing, I think you should have pictures of  
2 that, is the rear of the building, is just  
3 service stores along that whole side.

4 I'm asking for the variance  
5 for the loading and unloading, we look at,  
6 you know, fast food typically has, you know,  
7 parking for the inside, you know, customers  
8 that are on one side, and then the drive-thru  
9 is on the other side.

10 With the stacking that's  
11 required of ten spaces, it's difficult to put  
12 a loading and unloading area in there. And  
13 the other thing is in the operation of the  
14 fast food, you have got people coming from  
15 both directions surrounding the building,  
16 it's impractical and logistically is  
17 conducive to any business to have loading and  
18 unloading during normal business hours.

19 So historically we have always  
20 restricted it to off hours so that they can  
21 pull up and load and unload, not interfere  
22 with any of the customer activities, the  
23 traffic coming in for the drive-thru. So we  
24 are looking at eliminating the unloading and  
25 loading, but restricting it to the, you know,

1 off hours. Typically we have about two  
2 trucks that come in per week.

3 The added benefits to not  
4 having another loading and unloading area, of  
5 course, as mentioned earlier by the other  
6 applicant, is that you're not adding more  
7 impervious surface errors, so you do have  
8 some green benefit to having less pavement  
9 required.

10 As far as the obscuring wall,  
11 as part of the ordinance, the obscuring wall,  
12 the six foot obscuring wall is required for  
13 fast food when it abuts, you know, the  
14 different districts, except where it abuts a  
15 road or freeway or a highway.

16 Well, this property is part of  
17 the Shoppes at The Trail, it was part of  
18 their overall plan to have a restaurant  
19 there.

20 It's been designed to fit into  
21 that development, and by putting the wall up  
22 there, you know, it eliminates that focal  
23 point that they intended to have on that lot.  
24 The other thing is if you look at the  
25 existing site, as part of that, a lot of

1 landscaping was already implemented around  
2 the perimeter of this site, that basically  
3 does -- will obscure quite a bit of this site  
4 without eliminating it from the development.

5 So when we looked at the wall  
6 we thought, well, why put up a barrier to  
7 be -- when we were part and parcel of this  
8 whole development, we are not creating a  
9 barricade.

10 As you look on the four sides,  
11 we will take the east, of course, as Beck  
12 Road doesn't require the obscuring wall. But  
13 as you read the ordinance, the north side,  
14 which abuts the main driveway into the shops,  
15 it isn't a road, technically by the  
16 ordinance, but it is a main driveway, carries  
17 a lot of heavy traffic. Then beyond that, is  
18 parking lot.

19 So you're really obscuring,  
20 you know, a driveway. Again, I think this  
21 falls closer to a road than it does a  
22 driveway.

23 In addition to that, as part  
24 of our site plan, we try to integrate and tie  
25 in the existing walkways in the Shoppes at

1 The Trail, so we've got a sidewalk proposed  
2 along that access to drive that will connect  
3 Beck Road into the internal walks.

4 So, you know, you hate to put  
5 a wall again and that interfered with  
6 sidewalk.

7 On the east side, you've got  
8 that main driveway that goes -- loops around  
9 the back, that's for mainly deliveries and  
10 things, there again, it's a main road and it  
11 abuts up to the building.

12 In that area, there is a  
13 significant amount of landscaping. We are  
14 supplementing that with additional  
15 landscaping. When you look across there, we  
16 have probably a tree every 15 to 17 feet. We  
17 feel that serves the purpose of obscuring the  
18 site, yet keeping it open and being integral  
19 to the Shoppes at The Trail.

20 On the south side, if you look  
21 at that, of course, I showed you the  
22 pictures, if you are obscuring it from the  
23 rear of the building that is just as the  
24 service doors, so there is really no one out  
25 there.

1                   And the other issue, you have  
2                   got along that side more prevalent than the  
3                   other sides, is there is the water main  
4                   easement of 20 feet. This is a water main  
5                   through there.

6                   There is some fiber optics,  
7                   there is some cable, there is some other  
8                   utilities that go along that.

9                   Again, that side, if you look  
10                  at the existing plantings along there, there  
11                  is a fair amount of trees, will be  
12                  supplementing that again, there will be  
13                  probably again a tree every 15 feet, plus or  
14                  minus.

15                 Based on this site conditions  
16                 being part of a -- you know, basically a  
17                 larger development, we feel the obscuring  
18                 wall isn't necessary, and on the south side  
19                 in particular, we don't feel it's warranted  
20                 because of the utilities there. They are the  
21                 existing utilities, the existing landscaping  
22                 that was put in there, so we are requesting  
23                 the two variances, one for the loading and  
24                 unloading, and the other for the obscuring  
25                 wall. We felt that the plantings again are a

1 lot more esthetically pleasing than a block  
2 or masonry wall.

3 So appreciate your  
4 consideration.

5 CHAIRPERSON GRONACHAN: Thank you  
6 very much. Is there anyone in the audience  
7 that wishes to make a comment in regard to  
8 this case?

9 (No audible responses.)

10 CHAIRPERSON GRONACHAN: Seeing  
11 none, Madam Secretary, would you read the  
12 correspondence.

13 MS. KRIEGER: In Case No.  
14 PZ15-0006, 12 letters were mailed, two  
15 letters returned, no approval or rejection  
16 letters received.

17 CHAIRPERSON GRONACHAN: Thank  
18 you. Building department?

19 MR. WALSH: No comments at this  
20 time.

21 CHAIRPERSON GRONACHAN: Board  
22 members? Member Sanghvi.

23 MR. SANGHVI: First of all, if  
24 you have a site plan, can you put it on the  
25 screen for people to see.



1                   Would you like in any way to  
2                   show me where you are going to be located and  
3                   where the drive-thru is.

4                   MR. BARNWELL: You can see the  
5                   building is there. Beck Road is on the west  
6                   side. You can see Beck Road, and then the  
7                   main driveway that goes into the Shoppes at  
8                   The Trail are along the top. When you come  
9                   in through the back, and the drive-thru is  
10                  around the front, then moves back and goes  
11                  out, as indicated, we have the drive-thru is  
12                  on the front side, all -- you know, the  
13                  customers that are going to park, come in  
14                  would be on the east side.

15                 MR. SANGHVI: Thank you.

16                   Do you think you can do this  
17                   any other way than you have just suggested?

18                   MR. BARNWELL: No, I do not  
19                   believe so.

20                   MR. SANGHVI: Thank you.

21                   CHAIRPERSON GRONACHAN: Thank you  
22                   Member Sanghvi. Anyone else?

23                   MS. KRIEGER: So they will be  
24                   driving in and stacking, and then also  
25                   egressing out and leaving the same drive?

1 MR. BARNWELL: Correct. Comes in  
2 at this -- be the northeast corner, they loop  
3 around. There is stacking for ten cars which  
4 is required by the ordinance. They will loop  
5 back out and exit out on that -- they can  
6 drive through the Shoppes at The Trail, there  
7 is another exit in the development. I don't  
8 know if this would show --

9 MS. KRIEGER: If you could point  
10 out where the wall would be as well. The  
11 6-foot wall that you're --

12 MR. BARNWELL: There is the site,  
13 and you can see the inner play between our  
14 site, which is this way, and the Shoppes at  
15 The Trail.

16 As I said, this is the primary  
17 drive that goes into the site, and then to  
18 the west -- the east side of our drive, there  
19 is another drive that goes across the back.

20 The ordinance reads that  
21 the -- you know, the obscuring wall has to be  
22 on adjacent districts that are zone B3, which  
23 all surrounding this is B3. It doesn't have  
24 to be on the side where Beck Road is.

25 So by the ordinance you will

1 be putting up a wall along -- what I consider  
2 a main drive or almost a road coming in here,  
3 along this side, you can see the landscaping  
4 that's currently existing --

5 MS. KRIEGER: You are asking for  
6 a variance not to have --

7 MR. BARNWELL: Not to, yes.

8 MS. KRIEGER: Gotcha. Thank you.

9 MR. BARNWELL: We feel the  
10 landscaping and the integrating it into the  
11 rest of the development is crucial.

12 CHAIRPERSON GRONACHAN: Anything  
13 else? Member Montville.

14 MR. MONTVILLE: Just real briefly  
15 if you don't mind putting up that last slide.  
16 You made a pretty good point on how this is  
17 360 degrees around the perimeter. I was just  
18 hoping you could spend a quick second  
19 highlighting some of the new landscaping  
20 that's going to be on the east side between  
21 you and the Coney Island there that's on the  
22 end of the strip mall. I know they have  
23 windows on the side there that would be --

24 MR. BARNWELL: I apologize. This  
25 was primarily to show the proposed

1 landscaping, but you can see like there is an  
2 existing tree here, tree here, that's  
3 existing, tree here. There is one, two,  
4 three, four, five, six, seven, eight -- eight  
5 trees existing in this area. And we will be  
6 adding one, two, three, four, five. So there  
7 will be 13 trees in that stretch.

8 MR. MONTVILLE: Thank you.

9 CHAIRPERSON GRONACHAN: Member  
10 Byrwa.

11 MR. BYRWA: I got a question on  
12 the size, the caliber of the trees that are  
13 going in. Do you happen to know what size?

14 MR. BARNWELL: I believe they  
15 have to be two and a half to three -- I wish  
16 I had better glasses and better eyes that I  
17 could read this.

18 MR. BYRWA: They are not  
19 something that is going to take ten or 15  
20 years to mature.

21 MR. BARNWELL: A lot of the  
22 existing trees you can see them in that area.  
23 You know, we are adding six, but I think it  
24 said eight that are there currently. They're  
25 all four to six inches, a lot of those.

1                   These are all proposed as two and a half.

2                   MR. BYRWA: Thank you.

3                   MR. BARNWELL: So I think you --  
4                   as being part of that development, they did  
5                   have the four site -- your planning  
6                   commission had four setbacks, when it was  
7                   developed that they planted all those  
8                   perimeter trees and you can probable see it  
9                   there. You can see the perimeter trees maybe  
10                  around that site, that are fairly  
11                  significant.

12                  CHAIRPERSON GRONACHAN: Thank  
13                  you. Anything else Member Byrwa?

14                  MR. BYRWA: No.

15                  CHAIRPERSON GRONACHAN: Member  
16                  Ibe, do you have anything?

17                  MR. IBE: Nothing, Madam Chair.

18                  CHAIRPERSON GRONACHAN: I have a  
19                  couple of questions and one is to the  
20                  building department.

21                                So I need your help, and brush  
22                                off with -- let's talk about the purpose of  
23                                the wall.

24                                        When they decide that this  
25                                        wall has to be there, the wall serves a

1 purpose as noise reduction as well as --

2 MR. WALSH: Screening.

3 CHAIRPERSON GRONACHAN: Screening.

4 So when I look at this, I have  
5 safety concerns if there were walls there.

6 So does anyone look at that  
7 when they're -- I mean, it's part of the  
8 ordinance, you just have to put a  
9 screening -- you have to put the wall there  
10 because of the way it's zoned, and thus  
11 that's why he's here.

12 But if we have safety concerns  
13 that would be part of our motion, correct?  
14 If the wall did exist I could use that as --

15 MR. WALSH: Hang on one second.

16 The wall again serves as a  
17 screening area. As far as the sound, I would  
18 say that that also helps, but they're making  
19 a case, they presented it to planning, that  
20 the -- put that drawing back up there. It's  
21 a little clearer. There is a shopping center  
22 to the east, they are using that as their  
23 screening wall and also the area to the  
24 south. There is another building that  
25 basically they are using that as their

1 screening wall and asking a variance for that  
2 and planning has supported it.

3 CHAIRPERSON GRONACHAN: Thank  
4 you. So that's basically what I wanted to  
5 get on the record.

6 This area that you're -- where  
7 you're planning on the putting this  
8 restaurant, although I am concerned about the  
9 drive-thru and the parking lot, but that's  
10 not my jurisdiction, I do support your  
11 request for not putting a wall there.

12 And for what Mr. Walsh just  
13 indicated, this is a commercial section. To  
14 your south is another strip mall, if I'm not  
15 mistaken, in your picture, if you move that a  
16 little bit, I think there is another strip  
17 mall right behind you. So I agree with that,  
18 that can serve as the buffer.

19 The building to the -- get my  
20 bearings here, to the east, which is part of  
21 the Shoppes at The Trail, also serves as your  
22 buffer, and there is not something that the  
23 wall is going to enhance this business  
24 anymore.

25 I feel that the wall would

1 almost be not safe to put it in there, when  
2 driving through there, when you're driving  
3 in, I agree, it's more like a street than  
4 coming through the parking lot.

5 When people are coming out of  
6 your drive-thru, if there was a wall there,  
7 it would make it very difficult for  
8 visibilty.

9 Especially with the parking  
10 across the street, you could park across or  
11 walk and go into the other shops. There is a  
12 uniformity within this land, within this  
13 layout that by putting a wall, I think you  
14 would be alienating yourself from the rest of  
15 the -- or give the vision of alienating  
16 yourself from that.

17 So I will be -- I'm not going  
18 to be long winded tonight, but I would be in  
19 support of your request for those reasons.

20 Anyone else?

21 MR. BYRWA: If I could add to  
22 that. I believe the wall gets absolutely  
23 more critical when you get into more severe  
24 incompatible zoning. If you had a  
25 residential property abutting that, that



1 screening wall would be absolutely essential.  
2 But here we don't have any residential  
3 property, and I would be for eliminating it.

4 CHAIRPERSON GRONACHAN: So does  
5 that mean you are our motion maker tonight?

6 MR. BYRWA: I'm not prepared to  
7 give a motion.

8 CHAIRPERSON GRONACHAN: Is there  
9 anyone ready to make -- Member Krieger.

10 MS. KRIEGER: In Case No.  
11 PZ15-0006, James M. Barnwell, for 31172 Beck  
12 Road, I move to grant the request for the  
13 variance from the loading zone and regarding  
14 the wall.

15 And the petitioner sought  
16 by -- the petitioner established this through  
17 his discussion because it's a practical  
18 difficulty relating to the property that it  
19 was unique, because these areas, there are  
20 two buildings already, as we have discussed,  
21 that act as buffers that the wall would have  
22 been necessary in another area. So in a  
23 sense it would be detrimental to this site.

24 That the property is unique,  
25 that the physical condition of the property

1 creates a need for the variance because of  
2 its location, Beck, it has a curve, it's  
3 unique shaped and topography of this area.

4 That strict compliance with  
5 dimensional regulations of the zoning, that  
6 if they did put up a wall it would be more  
7 detrimental in the loading area, like he had  
8 stated about the trucks would come -- off  
9 hours during the week, that the landscaping  
10 and greenery and trees that are already there  
11 will take care of the site.

12 That it will be unreasonably  
13 burdensome to comply with the regulation. If  
14 not, and petitioner's request is the minimum  
15 variance necessary because a lesser variance  
16 would not -- it wouldn't have the space for  
17 that.

18 The requested variance will  
19 not cause adverse impact on surrounding  
20 properties. It was intended to have a  
21 restaurant in that area.

22 The property values are -- and  
23 enjoyment of property in the neighborhood and  
24 zoning district because Taco Bell is very  
25 popular.

1                   The variance granted is --  
2                   that's it.

3                   CHAIRPERSON GRONACHAN:  It's  
4                   moved and seconded -- do we have a second?

5                   MR. SANGHVI:  Second.

6                   CHAIRPERSON GRONACHAN:  It's been  
7                   moved and seconded.  Is there any further  
8                   discussion on the motion?

9                   I would like to add a friendly  
10                  amendment if I could.

11                  I would just like to state  
12                  that the uniqueness, when you talked about  
13                  the strict compliance, that the uniqueness of  
14                  the lot, because of the water main and the  
15                  existing utilities on the lot constrict this  
16                  as well.

17                  MS. KRIEGER:  Agreed.

18                  CHAIRPERSON GRONACHAN:  Would you  
19                  go ahead and please call the roll.

20                  MS. RAMSAY:  Member Ibe?

21                  MR. IBE:  Yes.

22                  MS. RAMSAY:  Member Krieger?

23                  MS. KRIEGER:  Yes.

24                  MS. RAMSAY:  Member Sanghvi?

25                  MR. SANGHVI:  Yes.

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MS. RAMSAY: Member Byrwa?

MR. BYRWA: Yes.

MS. RAMSAY: Member Montville?

MR. MONTVILLE: Yes.

MS. RAMSAY: And Chair Gronachan?

CHAIRPERSON GRONACHAN: Yes.

MS. RAMSAY: Motion passes six to zero.

CHAIRPERSON GRONACHAN: Your variance has been granted. You can see the building department. Congratulations.

Our next case is PZ15-0008, Kal Mansour with Sign Emporium on behalf of Aqua Tots at 44225 Twelve Mile Road, Unit C105.

Good evening.

MR. TOMINA: Good evening.

CHAIRPERSON GRONACHAN: Both of you are going to be giving testimony this evening?

MR. TOMINA: Well, I'm the owner of the school. Kal is our sign provider, so I thought I'd come in and meet you guys and say hello and introduce you to our concept.

CHAIRPERSON GRONACHAN: Before

1 you get started, I'm the only one that gets  
2 to break procedure tonight.

3 Would you please state your  
4 name and spell it for the secretary and both  
5 be sworn in.

6 MR. TOMINA: Sure. I'm Brian  
7 Tomina, T-o-m-i-n-a.

8 MR. MANSOUR: Kal Mansour,  
9 M-a-n-s-o-u-r, is the last name.

10 MS. KRIEGER: In Case No.  
11 PZ15-0008, do you both swear to tell the  
12 truth in this case?

13 MR. MANSOUR: Yes.

14 MR. TOMINA: Yes.

15 CHAIRPERSON GRONACHAN: You may  
16 proceed.

17 MR. TOMINA: Thanks for your time  
18 tonight. Aqua Tots is a family business that  
19 I started with my family locally in Novi. We  
20 have got 50 stores around the country. We  
21 are a franchisee of a company out of Arizona.

22 What we provide are swim  
23 lessons and swim safety instruction to  
24 children from the ages of six months old to  
25 really up until adults.

1                   Our location is in the  
2                   Fountain Walk. I'm sure everybody is  
3                   familiar with Fountain Walk. We are next to  
4                   the Buddy's Pizza, which is along Twelve Mile  
5                   Road there, and there is a road that runs  
6                   back where those hotels are, but I'm not sure  
7                   of --

8                   MR. SANGHVI: Cabaret Drive.

9                   MR. TOMINA: Exactly. Thank you.

10                  So the existing location there  
11                  is -- we are open and we really were  
12                  expecting to do a lot better.

13                  Our existing signage that we  
14                  have now -- this is what we are looking for.

15                  CHAIRPERSON GRONACHAN: Can you  
16                  rotate that.

17                  MR. TOMINA: So that is our  
18                  national branding. Our franchisor requires  
19                  all of our stores to have our -- obviously  
20                  our name with the swim school, then our  
21                  national branding which is "safety first, fun  
22                  every second."

23                  So every store in the country  
24                  has to either get that initially or go before  
25                  the Zoning Board to get a variance. That's

1 what we are doing here today.

2 The reason we are here is not  
3 only because of our conflict with our  
4 franchisor, but because of our location. We  
5 are in probably the worst location in the  
6 Fountain Walk. We were very hesitant to take  
7 that location. We actually wanted to stay --  
8 we actually prevented ourselves from coming  
9 to the city a few years back when we opened  
10 our first location in Troy because we found a  
11 location that was more feasible and we  
12 thought was a better location for us.

13 After we opened up our store  
14 in Troy, we did very well with our signage  
15 there, we got all the signage we were looking  
16 for. We decided to come in that spot and we  
17 thought it wouldn't be an issue with the  
18 signage.

19 Well, it's obviously become an  
20 issue, so that's why we are here tonight.  
21 Our franchisors are on us, our landlord is  
22 completely on board with it. And we just are  
23 not hitting the numbers that we would like to  
24 hit as far as our store, and most of the  
25 reason is because from what we hear from our

1 the parents is we just don't know where you  
2 are.

3 Most people are not familiar  
4 with that side of Fountain Walk. Everybody  
5 is familiar with the side where there is the  
6 Black Rock, the side with the theater,  
7 Emagine, the side that faces 696.

8 The side that faces our  
9 section is very less traveled, especially the  
10 back area. You know, people know Dick's and  
11 they know the Chuck E. Cheese, and the racing  
12 place, but the back side gets very little  
13 very traction.

14 So we are here to say if you  
15 guys can help, you know, we are intending to  
16 be in the city a very long time. We are  
17 providing lifesaving instruction to the kids.  
18 There is nothing like us in the city, and we  
19 just need -- we need your help to help us  
20 succeed.

21 CHAIRPERSON GRONACHAN: Anything  
22 else?

23 MR. TOMINA: That would be it.

24 CHAIRPERSON GRONACHAN: Is there  
25 anyone in the audience that wishes to make



1 comment in regard to this case tonight?

2 (No audible responses.)

3 CHAIRPERSON GRONACHAN: Seeing  
4 none, Madam Secretary, will you tell us about  
5 the correspondence.

6 MS. KRIEGER: PZ15-0008, 26  
7 letters were mailed, two letters returned, no  
8 approval or rejection letters were received.

9 CHAIRPERSON GRONACHAN: Thank  
10 you. Building Department?

11 MR. WALSH: No comments at this  
12 time.

13 CHAIRPERSON GRONACHAN: Thank  
14 you. Board members?

15 MR. SANGHVI: Thank you, Madam  
16 Chair. I was there this afternoon to look at  
17 the store front.

18 MR. TOMINA: Did you like it?

19 MR. BYRWA: It looks quite  
20 tastefully done. And that canopy is not  
21 really (inaudible) or anything like that.

22 To be quite honest, I have no  
23 problem with your request. Thank you.

24 MR. TOMINA: Thank you.

25 CHAIRPERSON GRONACHAN: Member

1 Montville?

2 MR. MONTVILLE: How far out from  
3 the building would the awning extend?

4 MR. TOMINA: Oh, the awning  
5 exists. The only variance that we are  
6 looking for right now -- the awning is  
7 already approved and up. The only variance  
8 we are looking for right now is the actual  
9 language, which says, "safety first, fun  
10 every second." Other than that, the awning  
11 is up, everything else is up. So the  
12 awning -- Kal, you can probably --

13 MR. MANSOUR: The existing awning  
14 that is there now has a life preserver on it  
15 which is also an issue.

16 The preserver, the logo that's  
17 on there right now, that's also an issue.

18 So we are here for both of  
19 those issues, for the life preserver and the  
20 national slogan that they are requesting to  
21 add to the existing signage.

22 I do want to point out one  
23 thing. He is in a unit, if you look at the  
24 two walls that are there, it's set back a  
25 little bit, so there is a real hardship there

1 as far as identification of that particular  
2 location.

3 MR. MONTVILLE: Would window  
4 graphics be an options, would your franchisor  
5 allow that or --

6 MR. TOMINA: You know what, we do  
7 it. But the problem with that school is, we  
8 put all those windows, they were  
9 non-existent. When we opened the store, we  
10 put those windows in.

11 The problem with that is we  
12 built our pool sort of along those windows,  
13 and when we are teaching instruction when the  
14 sun set to the west, in the summertime, which  
15 is our busiest time of the year, it just  
16 pierces right through those windows and it  
17 goes right into our pool room and our  
18 instructors are looking at the children who  
19 sit along a bench and it sort of blinds them,  
20 so we see it as a safety hazard to be able to  
21 put any window clings on, so we tinted those  
22 windows as dark as possible so that that sun  
23 doesn't do that.

24 So any window clings really  
25 won't do anything else, if we put them from

1 the outside. We just believe that it would  
2 be tackier and really wouldn't look as nice  
3 as this.

4 So we are willing to say we  
5 won't put up any window clings, you know.

6 MR. MONTVILLE: Thank you for  
7 that the clarification.

8 CHAIRPERSON GRONACHAN: Anyone  
9 else? Member Ibe?

10 MR. IBE: Do you have an existing  
11 sign right now before this one?

12 MR. TOMINA: Yes.

13 MR. IBE: What does it look like?

14 MR. TOMINA: It looks like that.

15 MR. IBE: Exactly this way?

16 MR. TOMINA: It's a little  
17 different. Actually our one in Troy has that  
18 on the back side of the building along I-75.

19 MR. IBE: You don't have a  
20 picture of what it looked like before?

21 MR. TOMINA: I do not. I'm  
22 sorry.

23 MR. IBE: It's kind of hard to  
24 tell what you had before and what you are  
25 asking for because I don't know what you had

1 before.

2 I don't know what to compare  
3 it, other than what you are showing me here.

4 MR. TOMINA: Like I said, all  
5 across the country it just depends on what  
6 the city allows.

7 And we find that the city is  
8 allowing it based on the use and the fact  
9 that -- you know, a lot of our spaces do have  
10 the situation where our corporate -- our  
11 franchisor recommends taking spots that are  
12 sort of non-regular for our use, and you need  
13 to find spots like that in order to be able  
14 to actually get the pool in the space. So we  
15 are finding that more often than not, we are  
16 taking spaces that are less visible and the  
17 cities are allowing us.

18 MR. IBE: So what would you say  
19 is your practical difficulty, if this is not  
20 granted?

21 MR. TOMINA: I'm sorry?

22 MR. IBE: What is the practical  
23 difficulty that warrants --

24 MR. TOMINA: The practical  
25 difficulty is that most people really do not

1 know where we are.

2 We think that having more  
3 signage for the people that do drive behind  
4 us and actually do drive and see us, will  
5 help identify our location as a swim  
6 facility, including the buoy and the national  
7 language.

8 We don't think it's going to  
9 impact the surrounding community, as behind  
10 us, there is very few homes that can actually  
11 see us, if any, and there is just a hotel  
12 that looks at the Fountain Walk. So there is  
13 no homes and no outside families that will be  
14 effected by it.

15 The buildings surrounding us,  
16 in terms of like Buddy's, Buddy's has -- I  
17 think their signage is beautiful, I think  
18 they did a great job, they have ten signs on  
19 their building. We just -- we have one, we  
20 have one on the awning.

21 MR. IBE: Would you agree that  
22 Buddy's is a much bigger space than you do?

23 MR. TOMINA: Buddy's is the same  
24 size as us.

25 MR. IBE: Same size?

1 MR. TOMINA: Well, we are  
2 500 feet square feet less than their store.  
3 They have 8,000, we have 7,500.

4 MR. IBE: But Buddy's has what,  
5 two fronts?

6 MR. TOMINA: Buddy's has a corner  
7 spot. But Buddy's also has Twelve Mile  
8 traffic that you can see Buddy's from. Ours  
9 we do not have that, unless you're going  
10 perhaps east. But the problem is the  
11 building is indented and it's difficult to  
12 see our sign even going east on Twelve Mile.

13 MR. IBE: I tell you to this, I  
14 like your sign, it looks quite beautiful.

15 MR. TOMINA: Thank you. I  
16 appreciate that.

17 MR. IBE: But I do have a  
18 problem, the problem is, I don't have  
19 anything to compare it to. I wish you  
20 brought what was there before you are  
21 entitled to one wall sign, which you have  
22 already.

23 MR. TOMINA: You mean what's  
24 existing at my location now?

25 MR. IBE: That's correct.

1 MR. TOMINA: Oh, Kal has that.  
2 I'm sorry. I didn't know that was what you  
3 meant. My apologies.

4 MR. MANSOUR: The facade is  
5 completely done now.

6 MR. TOMINA: You will see the  
7 facade is yellow and we have the life  
8 preserver, which is really blocked by that  
9 tree in essence. But you can see it from  
10 angles.

11 MR. IBE: Can you put up the new  
12 one now.

13 MR. TOMINA: Sure.

14 MR. IBE: What happened to those  
15 trees?

16 MR. TOMINA: It's photo shopped  
17 so you can actually see the -- what it would  
18 like, however the tree is still there. If  
19 you like, I could drop it off for you.

20 MR. IBE: So will the tree be a  
21 problem? I mean --

22 MR. TOMINA: The tree, I don't  
23 know, will the tree grow. I think they're  
24 mature trees. But, you know, they're really  
25 not an issue. As far as you can see it from



1 both sides of the parking lot. Can you see  
2 it if you look at it dead ahead, perhaps they  
3 are in the way. I hope that's what you were  
4 looking for.

5 MR. IBE: Well, yeah, I think you  
6 have done -- I must say the sign looks quite  
7 beautiful compared to what was there before.

8 MR. TOMINA: I would love for you  
9 guys to see our facility. I mean, we put a  
10 lot of money into it, we take a lot of pride  
11 in it. You know, we are just hoping that we  
12 can stay and we want to really do good here  
13 in the city.

14 CHAIRPERSON GRONACHAN: I agree  
15 with you, with the petitioner, in that when  
16 you are driving down that street past  
17 Buddy's, are coming into Fountain Walk, and  
18 then you can turn right, then make a left.  
19 Your building actually sets in about -- I  
20 don't know, I'm not good at measurements --  
21 probably four or five feet.

22 MR. TOMINA: At least.

23 CHAIRPERSON GRONACHAN: So you  
24 don't know that you are there until you're  
25 there.

1 MR. TOMINA: Correct.

2 CHAIRPERSON GRONACHAN: So I  
3 agree with you on that.

4 I also agree that I think  
5 something has to be done to the front to  
6 bring it out a little bit, but I don't know  
7 that the life preserver is the answer.

8 MS. KRIEGER: I think it's  
9 essential.

10 CHAIRPERSON GRONACHAN: I don't  
11 think that the life preserver is the answer.  
12 I don't know that the life preserver is going  
13 to save you at this point.

14 I don't have a problem with  
15 the safety first and fun every second. I  
16 don't have a problem with the wording.

17 Again, the reason why I don't  
18 have a problem with it is because of the way  
19 that building is setback and it brings it  
20 out. I.

21 Do have a problem with the  
22 life preserver because like Member Ibe was  
23 asking about the trees, I think the trees do  
24 block it. I don't think that you're -- I  
25 don't think it's going to enhance what you're

1           trying to set out to do.

2                       I do agree that there is a  
3           problem in that particular parking lot. But  
4           I don't know that making a bigger, better  
5           sign is really going to help.

6                       I don't know if advertising,  
7           that's not our jurisdiction.

8                       Our jurisdiction, when we look  
9           at a sign variance is to see what the minimum  
10          request will do to help the petitioner and  
11          that business.

12                      I have driven around there  
13          quite a bit. And I looked at the different  
14          angles and I, in all honesty, do not agree,  
15          for the life preserver. I don't see it. I  
16          can support the words because as you're  
17          coming around, I can see where that would  
18          help you from a distance, the coloring and  
19          the lettering would help identify.

20                      Other than that I think it's  
21          pretty bland. I don't think that life  
22          preserver is going to be beneficial. That's  
23          why I would like to see that part removed.

24                      MR. TOMINA: You know, being new  
25          to the metro Detroit region and trying to

1 expand as we are, that life preserver, if you  
2 see it's in our -- it's sort of our "O" it's  
3 kind part of the trademark as well. I think  
4 that what it does, it helps us in terms of  
5 branding recognition. So if you see that  
6 life preserver, I think what we are trying to  
7 get is say, even though you might be going  
8 down Twelve Mile quickly, or you might be  
9 passing by, you don't see our sign until you  
10 actually see it, perhaps you have seen our  
11 other sign and it's that life preserver  
12 sticks out to you and it just brands it in  
13 your mind.

14 CHAIRPERSON GRONACHAN: Again, I  
15 agree with that, but I think the top part is  
16 what they're going to see. I don't see that  
17 they are going to see the preserver. At  
18 least that's my opinion, after doing my due  
19 diligence.

20 And just so I could let my  
21 other board members know, I am in support of  
22 the lettering on this awning, and that's  
23 unusual for me, but I cannot support the life  
24 preserver down below that. For the reasons  
25 that I so stated, I really think that the

1 trees are going to block it, and defer the  
2 identification where his identification needs  
3 to be higher up because of the setting in  
4 back of the building.

5 Anyone else have anything to  
6 offer? Member Krieger.

7 MS. KRIEGER: I drove by today,  
8 the Aqua Tots, I saw that. It is  
9 proportionate with the sign there, all that  
10 yellow, that it would be nice to have -- I  
11 guess, if it's the franchise is telling you,  
12 this is what we write there, that's something  
13 you would probably have to comply with and  
14 would draw attention to it.

15 The awning, I'm sorry, I did  
16 not see it. I guess if you were driving up  
17 closer, I was on Cabaret, that if somebody  
18 drove by, that they would see the life  
19 preserver and then they would probably see  
20 the second -- and Aqua Tots, I actually  
21 didn't, I just read it and I didn't think of  
22 the -- what do you call, drive it, the life  
23 preserver right away, so of course, my  
24 co-workers taught me very well, you could  
25 interpret that any which way you wanted to,

1 and people might not understand what it is.

2 So I would say that the life  
3 preserver is actually important to further  
4 define what this is. Then you see the swim  
5 school, as you drive way, you're paying more  
6 attention. Of course, it's difficult because  
7 you can't see any of it unless you're  
8 driving.

9 I guess if you are going to  
10 Emagine theater and you drive by, you're  
11 looking, you're like, oh, there is a swim  
12 area, it would draw your attention in more.  
13 So I would actually be in support of the  
14 whole thing.

15 CHAIRPERSON GRONACHAN: Okay.  
16 Anyone else?

17 MR. BYRWA: I was wondering, what  
18 is the clearance from the bottom of the sign  
19 to the bottom of the door?

20 MR. TOMINA: The bottom of where  
21 it says swim school?

22 MR. BYRWA: Actually --

23 MR. TOMINA: The bottom of where  
24 it says safety first?

25 MR. BYRWA: Well, no, I'm trying

1 to figure out the walking clearance there if  
2 you're ingressing and egressing the building.  
3 What is the clearance that --

4 CHAIRPERSON GRONACHAN: From the  
5 bottom of the sign?

6 MR. TOMINA: From the existing  
7 sign that's there, sir, the one with the life  
8 preserver, is that what you are referring to?

9 MR. BYRWA: Right.

10 MR. TOMINA: It's nine feet,  
11 eight inches.

12 THE BOARD: Then the life  
13 preserver isn't hanging underneath?

14 MR. TOMINA: No, sir. It's just  
15 a graphic, it's a vinyl graphic which can be  
16 removed.

17 THE BOARD: That's going to go  
18 above the canopy then?

19 MR. TOMINA: Yes, sir. I do want  
20 to add one thing. The life preserver is a  
21 trademark identification of what they provide  
22 in there.

23 It is -- if you go on the  
24 website, you will notice, even in Michigan or  
25 anywhere in the US, wherever they are open,

1           you will notice that that life preserver is a  
2           very vocal point of their industry.

3                           CHAIRPERSON GRONACHAN:   Member  
4           Ibe?

5                           MR. IBE:   Yes, Madam Chair,  
6           thanks very much.

7                           I was actually going to concur  
8           with what you said.  It was pretty much one  
9           of the things I was looking for.  I mean, the  
10          sign looks beautiful.  When I said beautiful,  
11          I don't mean the life preserver.

12                          Frankly, I don't even know  
13          what a life preserver is because I'm not a  
14          swimmer, and I don't have any little kids who  
15          need to learn how to swim.

16                          But the bright yellow sign,  
17          I'm not an expert in signs, but I can tell  
18          you what I'm an expert in is what looks good.  
19          The life preserver looks tacky, if you ask  
20          me.

21                          Now, it's between you and who  
22          you do business with.  But certainly what  
23          look beautiful is the beautiful red,  
24          beautiful bright yellow, and the words on it,  
25          fun every second, that's what I remember.  If



1           you want to remember your business, I think  
2           they are looking for the -- they are going to  
3           see the yellow sign first, chances are, I'm  
4           going to see the big, bright yellow and then  
5           the big letters on it, and I'm excited where  
6           I'm going.

7                           Now, if your goal is -- the  
8           purpose of why you need this sign, you claim  
9           practical difficulty and all that stuff, is  
10          being detracted away by the argument you are  
11          not making about this tiny little portion  
12          (unintelligible).

13                          Now, if the main reason you  
14          (unintelligible) about the life preserve, I  
15          will vote no, absolutely because that just  
16          doesn't really help your case.

17                          But it doesn't stop you from  
18          operating your business, if that's the case.  
19          You want people to know where you are. I  
20          don't think that tagging on (unintelligible)  
21          is not going to make anyone feel that.

22                          I am with Madam Chair on this  
23          issue. I will vote yes as long as the life  
24          preserver stuff is not there. I like the way  
25          the sign looks without it. I think that

1 makes -- if you ask me, more meaningful  
2 sense.

3 Like I said, I'm not an expert  
4 in signs, but I definitely know what looks  
5 good.

6 CHAIRPERSON GRONACHAN: Thank  
7 you, Member Ibe.

8 I have a question in regards  
9 to that life preserver. I am not a sign  
10 expert, never claimed to be in all the years  
11 that I have served on this board. Even  
12 though I try to learn.

13 Is there any way that life  
14 preserver, if it's a part of the --

15 MR. TOMINA: Branding.

16 CHAIRPERSON GRONACHAN: Branding,  
17 thank you. And put it onto where -- right  
18 after second, and get rid of that little  
19 blue --

20 MR. TOMINA: I guess I would have  
21 to defer to Kal. Can we do something up  
22 there?

23 MR. MANSOUR: Sure.

24 MR. TOMINA: Right after where it  
25 says fun every second.

1 MR. MANSOUR: Again, that's up to  
2 the corporate people, if they allow that.

3 MR. TOMINA: I think they would  
4 allow. I don't think that would be an issue.  
5 I don't think that would look as good. I  
6 will be willing to do that if the city would  
7 allow me to do that.

8 CHAIRPERSON GRONACHAN: Here is  
9 my suggestion.

10 My suggestion is that because  
11 we do have some other cases. My suggestion  
12 is that you -- I'm going to table this until  
13 the next -- until after the next case, give  
14 you guys sometime to think about it and come  
15 back --

16 MR. TOMINA: If we wanted to  
17 voluntarily remove that, would you guys be  
18 willing to vote on it?

19 CHAIRPERSON GRONACHAN: Yes. I  
20 think we are leaving -- you know which way  
21 the board is leaning and I want to move  
22 along.

23 MR. TOMINA: If we needed to, I  
24 don't think it would be a problem to put it  
25 as a decal in one window sign. I don't think

1 we will, but I will --

2 CHAIRPERSON GRONACHAN: As long  
3 as it is not in any other violation.

4 MR. TOMINA: No problem. We are  
5 willing to remove it.

6 CHAIRPERSON GRONACHAN: Do we  
7 have a motion? I'm sorry, Member Krieger has  
8 got another question.

9 MS. KRIEGER: The landlord you  
10 said, there was an approval of that. Do you  
11 have that? I don't remember seeing that in  
12 the packet.

13 MR. TOMINA: I just have a verbal  
14 approval.

15 MS. KRIEGER: Can you get one for  
16 the city?

17 MR. TOMINA: When you folks make  
18 a motion on it, if you decide, we will have  
19 to follow the procedures following, including  
20 the permits, and we will need a landlord  
21 approval sheet to give to the city along with  
22 our application.

23 MS. KRIEGER: Thank you.

24 CHAIRPERSON GRONACHAN: That's  
25 fine. Do we have a motion?

1 MR. IBE: Madam Chair, I will  
2 take it.

3 In Case No. PZ15-0008, Kal  
4 Mansour Signs Emporium on behalf of Aqua  
5 Tots, I move that we grant the request made  
6 by the petitioner, that the request being  
7 granted will be based on the petitioner's own  
8 voluntary participation has agreed to remove  
9 the portion with the life preserver sign, is  
10 that correct?

11 MR. TOMINA: Correct.

12 MR. IBE: Having said that, I  
13 move that we grant it because of the fact  
14 that the petitioner has shown practical  
15 difficulty in requesting the variance.

16 And the petitioner's own  
17 testimony is that the property is located in  
18 a very difficult corner, right there next to  
19 Buddy's Pizza and that the roads that are  
20 bordered is Cabaret and Twelve Mile on the  
21 other side, and this is a shopping center  
22 with a huge parking between Cabaret and the  
23 petitioner's place of business. And this  
24 area gets less traffic than most places in  
25 Fountain Walk, and the petitioner's customers

1 or potential customers have a hard time  
2 locating this place of business.

3 As a result, the petitioner  
4 requires more visibilty in order to allow it  
5 to meet the goals set by the petitioner.

6 Without a variance, petitioner  
7 will be unreasonably prevented or limited  
8 with respect to the use of this property.

9 This is a place that teaches swimming to  
10 young lads between six months to adults and  
11 as a parent, I can understand if you bring in  
12 a young person there, you are distracted in  
13 the car and you are looking for where you're  
14 going, the last thing you want is safety  
15 issues. And having a visible sign allows the  
16 parents to know exactly where they're going.

17 So this variance helps the  
18 petitioner and also helps the petitioner in  
19 meeting what the franchise requires to make  
20 it more consistent with other locations that  
21 they have around this state or around the  
22 country.

23 The property itself is unique  
24 as stated before because of the strategic  
25 location where it is at Fountain Walk, in a

1 sense that it is tucked in and Buddy's Pizza  
2 have elaborate signs that actually detracts  
3 from where the petitioner is currently  
4 located, so any help that the petitioner can  
5 get will definitely improve the outlook for  
6 the business.

7 Petitioner obviously did not  
8 create a condition. The property that the  
9 petitioner is renting from was constructed  
10 the way it was. In order for any business to  
11 have more visibility in this area, based on  
12 where it's located, it almost needs to have a  
13 sign that is consistent with what you have  
14 and it's not different from what Buddy's has,  
15 to be honest, because Buddy's has quite an  
16 elaborate sign that you can see all the way  
17 from Twelve Mile. But where the petitioner  
18 is located makes it far more difficult for  
19 that visibility, and thus they did not create  
20 this condition. It is part of what the  
21 property and the landscaping provides itself.

22 The relief granted will not  
23 unreasonably interfere with adjacent or  
24 surrounding properties. Obviously I don't  
25 know of any objections that have made by

1 other business around the area. I don't see  
2 Buddy's having made any objection either have  
3 Emagine Theater, anyone else in the area, so  
4 apparently because of the fact that this is a  
5 shopping district, and a business district,  
6 having a place where you have more traffic  
7 will also benefit surrounding property  
8 owners. Therefore, based on the presentation  
9 made by the petitioner, meaning the owner of  
10 this business, as well as the sign expert  
11 here, and the comments made by the board  
12 members, I move that we grant the petition as  
13 requested minus the life preserver sign.

14 CHAIRPERSON GRONACHAN: Is there  
15 a second?

16 MR. SANGHVI: Second.

17 CHAIRPERSON GRONACHAN: It's been  
18 moved and seconded. Is there any discussion  
19 based on the motion?

20 (No audible responses.)

21 CHAIRPERSON GRONACHAN: Seeing  
22 none, Ms. Ramsay, will you please call the  
23 roll.

24 MS. RAMSAY: Member Ibe?

25 MR. IBE: Yes.



1 MS. RAMSAY: Member Krieger?  
2 MS. KRIEGER: Yes.  
3 MS. RAMSAY: Member Sanghvi?  
4 MR. SANGHVI: Yes.  
5 MS. RAMSAY: Member Byrwa?  
6 MR. BYRWA: Yes.  
7 MS. RAMSAY: Member Montville?  
8 MR. MONTVILLE: Yes.  
9 MS. RAMSAY: Chair Gronachan?  
10 CHAIRPERSON GRONACHAN: Yes.  
11 MS. RAMSAY: Motion passes six to  
12 zero.  
13 CHAIRPERSON GRONACHAN:  
14 Congratulations, your variance  
15 has been granted.  
16 MR. TOMINA: Thank you. Have a  
17 great night.  
18 CHAIRPERSON GRONACHAN: Our next  
19 case is PZ15-0009, Richard Curtis at 1320  
20 West Lake Drive.  
21 Is the petitioner here?  
22 Come on down.  
23 The application is requesting  
24 variances to allow construction of the new  
25 one story addition on an existing

1 non-conforming parcel and is requesting this  
2 evening two variances.

3 You are?

4 MR. CURTIS: Richard Curtis, last  
5 name C-u-r-t-i-s.

6 CHAIRPERSON GRONACHAN: Would you  
7 please raise your hand and be sworn in by our  
8 secretary.

9 MS. KRIEGER: In Case No.  
10 PZ15-0009, for Richard Curtis on 1320 West  
11 Lake Drive, do you swear or affirm to tell  
12 the truth in this case?

13 MR. CURTIS: Yes.

14 CHAIRPERSON GRONACHAN: You may  
15 proceed.

16 MR. CURTIS: I'm looking to do a  
17 small addition. It's going to create foyer  
18 and a small bedroom. It's going to allow me  
19 to move the front door out of the kitchen and  
20 dining room. And that's right here.

21 CHAIRPERSON GRONACHAN:

22 Mr. Curtis, can you move the  
23 mike a little more over so they can hear you  
24 at home as well.

25 MR. CURTIS: So I'm just trying

1 to create this small -- an area so I can get  
2 rid of the door out of the kitchen and dining  
3 room.

4 And -- that there is the  
5 addition of the existing property.

6 I did so so that the existing  
7 property is 19 and a half feet from the  
8 property line and so because the house is not  
9 parallel to the street, I only went ten by 18  
10 and it will do the exact same thing, the most  
11 protruding corner would be exactly the same  
12 as the existing 19 and a half feet.

13 I know it's supposed to be  
14 30 feet, but this is an old neighborhood and  
15 this is what I have.

16 The other variance, I'm  
17 looking for 3.1 feet at the rear yard because  
18 I'm connecting with the existing structures  
19 and that's what I have, 3.1 feet to the rear  
20 yard.

21 So I'm just adding this extra  
22 room to create -- move the front door and  
23 create a closet and create an extra room, and  
24 that's what I'm asking for, make our house a  
25 little more comfortable.

1 CHAIRPERSON GRONACHAN: Thank  
2 you. Is there anyone in the audience that  
3 has any comment in regards to this matter?

4 (No audible responses.)

5 CHAIRPERSON GRONACHAN: Seeing  
6 none, correspondence?

7 MS. KRIEGER: Yes. We have 27  
8 letters mailed for PZ5-0009, zero letters  
9 returned, two approval letters received, zero  
10 objection letters received.

11 And the first approval is "I  
12 have spoken to Mr. Curtis about his project  
13 and give him my full support. Please approve  
14 his ZBA request as written", from Brian  
15 Kozian on 1251 West Lake.

16 And the second one is also an  
17 approval "absolutely, yes, let him build,  
18 he's trying to make his family more  
19 comfortable, what's wrong with that", that's  
20 from Dan Diantoniis, I hope I said that  
21 right, D-i-a-n-t-o-n-i-i-s, 117 Rexler.  
22 That's it.

23 CHAIRPERSON GRONACHAN: Building  
24 department?

25 MR. WALSH: The comments I have

1 is that the applicant has done a really good  
2 job maintaining the existing non-conforming  
3 yard at 19 and a half feet. The existing  
4 house is at 3.1 feet, non-conforming to the  
5 rear yard, however, his addition of new  
6 living area, is approximately 14 and a half  
7 feet from the rear yard.

8 So the variances to the  
9 existing 3.1, but I just wanted to point out  
10 the addition is 14 and a half feet from the  
11 rear yard lot line.

12 CHAIRPERSON GRONACHAN: Thank  
13 you. Board members? Member Sanghvi.

14 MR. SANGHVI: Thank you, Madam  
15 Chair. I know your area very well. I have  
16 been there umpteen times, and I saw it two or  
17 three days ago where you are located.

18 Every lot in that area, you  
19 need to do anything, requires a variance.  
20 These lots were designed a long, long time  
21 ago. Ordinances have changed since, and I  
22 understand your comment and the need for the  
23 variances. And I have no hesitation in  
24 supporting your variance request. Thank you.

25 CHAIRPERSON GRONACHAN: Anyone

1 else?

2 I don't know how you did it,  
3 quite frankly. Every time we go here, it's  
4 like, oh, yeah, I know that corner, I spend a  
5 lot of time there being a member of the ZBA.  
6 I commend you for your minimum request. I  
7 think that you -- anyone that's up in that  
8 area that we have visited so many times do  
9 their due diligence and you meet the spirit  
10 of the ordinance, and if there was something  
11 that we could do about those lot sizes, I'm  
12 sure we could help you out.

13 I'm in full support and I have  
14 no other questions.

15 Anyone else? Is there a  
16 motion?

17 Go ahead, Member Montville.

18 MR. MONTVILLE: In Case  
19 PZ15-0009, applicant, Richard Curtis, 1320  
20 West Lake Drive -- bear with me, I apologize.

21 I move that we grant the  
22 variance sought by the applicant. The  
23 petitioner has shown beyond reasonable cause  
24 that with the current outlying -- the way the  
25 lot is set up it is creating difficult

1 conditions and he has met the minimum  
2 requirements that he can with his variance  
3 application.

4 As you mentioned, the need for  
5 the variance is not self-created due to the  
6 previous outline of the lot. He's requested  
7 the minimum variance necessary.

8 And the request will not  
9 create a negative impact on his neighbors  
10 shown by the two approvals that were  
11 submitted with all outgoing correspondence  
12 and incoming correspondence that came back as  
13 well.

14 I move that we grant the  
15 variance as applied for.

16 CHAIRPERSON GRONACHAN: It's been  
17 moved. Is there a second?

18 MR. BYRWA: I'll second it.

19 CHAIRPERSON GRONACHAN: It's been  
20 moved and seconded. Is there any further  
21 discussion?

22 (No audible responses.)

23 CHAIRPERSON GRONACHAN: Seeing  
24 none, Ms. Ramsay, would you please call the  
25 roll.

1 MS. RAMSAY: Member Ibe?  
2 MR. IBE: Yes.  
3 MS. RAMSAY: Member Krieger?  
4 MS. KRIEGER: Yes.  
5 MS. RAMSAY: Member Sanghvi?  
6 MS. KRIEGER: Yes.  
7 MS. RAMSAY: Member Byrwa?  
8 MR. BYRWA: Yes.  
9 MS. RAMSAY: Member Montville?  
10 MR. MONTVILLE: Yes.  
11 MS. RAMSAY: And Chair Gronachan?  
12 CHAIRPERSON GRONACHAN: Yes.  
13 MS. RAMSAY: Motion passes six to  
14 zero.  
15 CHAIRPERSON GRONACHAN:  
16 Congratulations, your variance  
17 has been granted. Good luck to you. I think  
18 you go see the building department now.  
19 MR. CURTIS: Thank you so much.  
20 CHAIRPERSON GRONACHAN: Good  
21 luck.  
22 Case No. PZ15-0010, Pete  
23 Stanaj. This applicant is requesting a  
24 variance to allow construction of a new  
25 single home on an existing vacant parcel.



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Is the petitioner here?

MR. STANAJ: Yes.

CHAIRPERSON GRONACHAN: Both of you are giving testimony tonight?

MR. STANAJ: Yes.

CHAIRPERSON GRONACHAN: Would you please both state your name for our recording secretary and raise your right hand and be sworn in by our secretary.

MR. STANAJ: My name is Peter Stanaj, S-t-a-n-a-j. I'm the owner of the property.

MS. MICHALSKI-WALLACE: My name is Ginger Michalski-Wallace with Alpine Engineering, M-i-c-h-a-l-s-k-i dash W-a-l-l-a-c-e.

MS. KRIEGER: In Case No. PZ15-0010, for Peter Stanaj, do you both swear or affirm to tell the truth in this case?

MR. STANAJ: I do.

MS. MICHALSKI-WALLACE: I do.

This is a very interesting lot. It is on Nine Mile Road just east of Napier Road. The lot is only 115.5 feet by

1 115.5 and that does include the existing 33  
2 foot right-of-way in that 115.5 feet.

3 It is surrounded by a  
4 subdivision, Park Place subdivision, and the  
5 right-of-way abutting our property on both  
6 sides is 43 feet.

7 We are requesting a front yard  
8 variance of 19 feet and a rear yard variance  
9 of 24 feet.

10 Currently, this line here is  
11 the rear setback and this line here is the  
12 front setback. So the lot currently has zero  
13 buildable area due to the front and the rear  
14 setbacks.

15 What we are proposing is to  
16 have a buildable area of 30 feet in depth.  
17 We do not have any issues with sideyard  
18 setbacks.

19 CHAIRPERSON GRONACHAN: Anything  
20 else?

21 MS. MICHALSKI-WALLACE: Not at  
22 this time.

23 CHAIRPERSON GRONACHAN: Thank  
24 you. Is there anyone in the audience that  
25 has comments in this case?

1                   Would you please step down.

2                   Are you all together or are  
3 you individual?

4                   MR. EWING: We are individual.

5                   CHAIRPERSON GRONACHAN: Please  
6 just state your name and spell it and give  
7 your address for our recording secretary.

8                   MR. EWING: Attorney Mike Ewing,  
9 it's E-w-i-n-g. My address is 22350  
10 Waterland Drive, it's in Northville.

11                   I have listened to the  
12 presentation. I have the house that's  
13 immediately adjacent to the proposed lot.  
14 And I don't know if the board can see this,  
15 but I got this from Mr. Walsh.

16                   So the proposed variance is  
17 the black square. I have the house just kind  
18 of to the bottom. I bought that house in  
19 2009 with the express belief and  
20 understanding that no one could ever build on  
21 that proposed lot that's .3 acres. I  
22 understand that the applicant purchased that  
23 property we are talking about in 1988. And  
24 that development was a 100-acre farm and each  
25 lot was one acre and those homes that you see

1 on either side are somewhere near 4,000  
2 square feet. And that picture is the best I  
3 have, but the corner of the house, that my  
4 bedroom window faces is probably 20 feet from  
5 his proposed variance. And you drive into  
6 this subdivision, ladies and gentlemen, you  
7 drive in on Waterland Drive and all the homes  
8 face Waterland Drive. The way I understand  
9 this proposal, as you drive in, we will be  
10 looking at the back of the house that's  
11 somewhere maybe 1,000 square feet, as far as  
12 I can tell, I don't know, there is no  
13 building plan that I have seen.

14 So it's strictly out of unity  
15 and continuity with the rest of the homes in  
16 that subdivision.

17 I have heard consistency,  
18 uniformity that that's not the proper lot to  
19 build any kind of structure that would be in  
20 continuity with the rest of the homes in that  
21 subdivision.

22 So I want to make clear that  
23 my rear window in the bedroom area is 20 feet  
24 from what he proposes. He wants -- as I  
25 understand he wants a 26-foot variance from

1 the front yard and the backyard.

2 When we drive in, we would  
3 face -- we would see the back of the house.

4 So for those reasons, I  
5 absolutely object to this variance.

6 If you have any questions.

7 I also note for the record, I  
8 have looked at 3.11, which is a residential  
9 acreage, it says ordinance, "the residential  
10 acreage district is intended to provide areas  
11 within the community for particular living  
12 environment characterized by a lot, low  
13 density single family dwelling".

14 Under E of that subsection,  
15 31.11, we see a minimum lot area, one acre,  
16 minimum lot width, 150 feet with a  
17 requirement that the coverage be 25 percent.  
18 Well, anything we build is going to be  
19 25 percent, I presume. I absolutely object  
20 for those reasons.

21 CHAIRPERSON GRONACHAN: Thank  
22 you.

23 MR. EWING: Thank you.

24 MR. MILLIGAN: My name is  
25 Mike Milligan. I live at 22330 Waterland,

1 and I also object to this proposed variance.

2 I feel that as we come down  
3 our street, we have this -- I don't know  
4 what's going to be there because we really  
5 don't know. We have beautiful acre lots.  
6 It's wonderful. We came out here ten years  
7 ago to live in a scenario like that and  
8 what's proposed there is just what I feel  
9 would just destroy the area and my property  
10 values.

11 I'm opposed to this variance,  
12 100,000 percent.

13 CHAIRPERSON GRONACHAN: Thank you  
14 very much.

15 Next, please.

16 MR. LONG: My name is Derek Long.  
17 I live at 22315 Waterland Drive, which is  
18 just on the side from the property that's  
19 proposed to have the variances.

20 Just was sitting here  
21 listening to you guys, how you guys listen to  
22 everybody how they want to get different  
23 things.

24 You guys don't want to make it  
25 detrimental to other people. You don't want

1 to approve things that are going to make the  
2 property values go down.

3 If you approve this, it would  
4 definitely decrease our property values,  
5 that's why I'm 100 percent against it.

6 CHAIRPERSON GRONACHAN: Thank  
7 you. Next.

8 MR. GUTHRIE: Michael Guthrie. I  
9 reside at 22335 Waterland, this house right  
10 here. I'm actually an architect. This is in  
11 my field of expertise.

12 I object to it, not  
13 necessarily just because of the property  
14 values, but because for the City of Novi, it  
15 compromises the integrity of what the  
16 residential acreage zoning is.

17 In fact, looking at the  
18 ordinance requirements, it not only doesn't  
19 meet RA, it doesn't meet R1 or it wouldn't  
20 even meet R4, if you took in the proposed  
21 right-of-way of what it should be.

22 It would be within the  
23 25 percent footprint, however, it would be  
24 way over compromising the .8 unit per acre  
25 requirement.

1                   In fact, what it would do is  
2                   compromise the integrity of all three  
3                   properties. It would then bring all those  
4                   into non-conforming use for those  
5                   requirements. So for those reasons -- I'm  
6                   happy to answer any other questions. I  
7                   strongly oppose the variance.

8                   CHAIRPERSON GRONACHAN: Thank  
9                   you.

10                   Is there anyone else in the  
11                   audience that has any comments in regard to  
12                   this case?

13                   (No audible responses.)

14                   CHAIRPERSON GRONACHAN: Seeing  
15                   none, building department?

16                   MR. WALSH: The only comment I  
17                   would have is that I would probably recommend  
18                   some type of floor plans and elevations to  
19                   see if it's compatible with the neighborhood.

20                   Without seeing those, there  
21                   may be an additional variance. The footprint  
22                   proposes only 1,800 square feet,  
23                   (unintelligible) 25 percent lot coverage.

24                   However, to build a compatible  
25                   home to meet the neighborhoods, it may



1 require some sideyard variances, based on the  
2 layout.

3 CHAIRPERSON GRONACHAN: You're a  
4 mind reader. Thank you.

5 Petitioners, before I turn  
6 this over to the board -- I'm sorry.  
7 Correspondence.

8 MS. KRIEGER: In Case No.  
9 PZ15-0010, nine letters were mailed, one  
10 letter returned, no approval or objection  
11 letters received.

12 CHAIRPERSON GRONACHAN: Okay.  
13 Petitioners, before we turn this over to the  
14 board, do you have plans of what is going to  
15 actually be built on this property at this  
16 time?

17 MR. STANAJ: No, I don't have no  
18 drawings. But I was looking out -- think of  
19 having a house there. So I'd like to build  
20 it as large as possible as I can for that  
21 lot.

22 CHAIRPERSON GRONACHAN: Hold that  
23 thought. I have a question for the city  
24 attorney.

25 At this time, because we don't

1 have any plans, do we still have to go  
2 through the normal procedures or can we table  
3 this until they get plans so we can look at  
4 the property --

5 MS. SAARELA: You can table it.  
6 If you think that plans are going to help you  
7 decide whether this is compatible with the  
8 surrounding areas, and consistent with the  
9 intent of the ordinance, if they get -- that  
10 intent helps you in your determination, sure.

11 CHAIRPERSON GRONACHAN: Okay. My  
12 concern is that we don't have enough  
13 information before this board to make a  
14 qualified judgment, and we would like to see  
15 exactly what is going to be on that property  
16 before we grant variances because as  
17 Mr. Walsh mentioned earlier, we -- once you  
18 put a building there, you may need additional  
19 variances to fit the building due to the  
20 uniqueness of this lot size.

21 So my suggestion would be that  
22 I think you are just a tad premature to be  
23 coming here to try to get variance for  
24 something that we don't know what we are  
25 going to approve it for. And there is other

1 requirements that need to be looked at for  
2 conformity into the neighborhood.

3 My recommendation to the board  
4 at this point would be to table this.

5 Is there any other discussion?  
6 Are we all agreed to that?

7 THE BOARD: Aye.

8 CHAIRPERSON GRONACHAN: We are in  
9 agreement and we will vote on it. If you  
10 want to tell me how long you would like, I  
11 will table it and we can pick a meeting on  
12 when you can come back.

13 Would a month be enough for  
14 you or two months?

15 MR. STANAJ: We got a sketch of  
16 the floor plan. We don't have no elevation,  
17 we don't have anything else.

18 CHAIRPERSON GRONACHAN: I think  
19 that you're a little premature given the  
20 uniqueness of your situation. I'm going to  
21 recommend that you do a little more homework.

22 My recommendation at this  
23 point is that I would like to see you, since  
24 you don't have anything ready yet, probably  
25 give you two months. If you need more, you

1 can contact Ms. Ramsay and she can extend it.  
2 I will have it on record. Then you can bring  
3 what you actually plan on building on this  
4 property for the board to make a complete and  
5 concise decision at that time.

6 MR. STANAJ: Okay.

7 CHAIRPERSON GRONACHAN: Would you  
8 like a two month extension or three months be  
9 better for you? What would be more  
10 convenient for you?

11 MR. STANAJ: Let's make it three  
12 months.

13 CHAIRPERSON GRONACHAN: Okay. So  
14 at this time, in Case No. PZ15-0010, Pete  
15 Stanaj, I move that we table the meeting  
16 until the August 15 meeting, at which time he  
17 will present plans and further information on  
18 what is actually going to be built on the  
19 property.

20 All those in favor of tabling?

21 THE BOARD: Aye.

22 CHAIRPERSON GRONACHAN: So moved,  
23 we will see you in August, with your  
24 paperwork.

25 MR. STANAJ: Thank you.

1 MR. EWING: Will there be letters  
2 sent out to interested parties or how does  
3 that work?

4 CHAIRPERSON GRONACHAN: As soon  
5 as we post it again, we have to go through  
6 the whole process again and the letters will  
7 go out again.

8 MR. WALSH: No. It will be  
9 tabled to the first meeting in August, which  
10 will be the first Tuesday.

11 CHAIRPERSON GRONACHAN: So there  
12 will be no letters going out.

13 MR. WALSH: August 11.

14 MR. STANAJ: I will be out of  
15 state, so can we make it like for September.

16 CHAIRPERSON GRONACHAN: Okay. We  
17 are going to amend that motion to September.

18 MS. KRIEGER: What date?

19 MS. RAMSAY: September 15.

20 CHAIRPERSON GRONACHAN: September  
21 15, 2015. See you back here then.

22 MR. STANAJ: Thank you. And  
23 residents, you've got that date written down?  
24 So I misspoke, you will not be receiving a  
25 letter. So you can put that on the calendar.

1           You can check the agenda at the city --  
2           Novi.org, agenda to make sure that it's on  
3           the agenda for that night.

4                       MR. EWING: We would expect that  
5           the plans would be here and you will be able  
6           to make a decision at that point?

7                       CHAIRPERSON GRONACHAN: That's  
8           what the hope is.

9                       MR. EWING: All right. But I  
10          wonder why it wasn't done.

11                      CHAIRPERSON GRONACHAN: Thank  
12          you. Everybody have a good evening.

13                      In Case No. PZ15-0011, Rick  
14          Valade at 25905, Laramie Drive. The  
15          applicant is requesting a variance to allow  
16          construction of a new patio enclosure  
17          addition to the existing parcel.

18                      Is our petitioner here?

19                      Yes.

20                      CHAIRPERSON GRONACHAN: Are you  
21          both going to give testimony this evening?

22                      I'm the one that's going to be  
23          building it, if you allow it, so any  
24          questions --

25                      CHAIRPERSON GRONACHAN: If that's

1 the case, would you both please state your  
2 names and spell them for our recording  
3 secretary. And then raise your right hands  
4 to be sworn in by Member Krieger.

5 MR. VALADE: Yes, I am the  
6 homeowner, Rick Valade, V, as in Victor,  
7 a-l-a-d-e.

8 MR. MOLLNER: My name is Dennis  
9 Mollner, M-o-l-l-n-e-r.

10 MS. KRIEGER: In Case No.  
11 PZ15-0011, do you both swear or affirm to  
12 tell the truth in this case?

13 MR. MOLLNER: Yes.

14 MR. VALADE: Yes.

15 Good evening. I have a  
16 picture here. I appreciate your time this  
17 evening. I'm asking for a variance to -- I  
18 want to have a covered patio on the area in  
19 the picture identified with an X. Currently  
20 I have the existing pool structure. I'm  
21 asking for a five to six foot variance to  
22 have a patio within my existing concrete area  
23 there.

24 What I'm looking to do is  
25 raise a patio so I come out of the sliding

1 door there, no further than the existing  
2 gate. So I'm getting a small enclosure  
3 within that area there, reason being there  
4 has been increased activity due to the  
5 wetlands that I'm immediately adjacent to.  
6 I've have a lot of bees, insects.

7 I have taken steps to try and  
8 eliminate that with an annual contract to  
9 Terminix, that's helped a little bit. I have  
10 also had \$3,000 damage to my siding due to  
11 woodpeckers that have been trying to get the  
12 bees and insects that are on the side of  
13 that. And the last resort in order for to me  
14 continue to enjoy the outdoor area and the  
15 pool area, I'm asking for a small enclosure  
16 there, and seeking a variance from the board.

17 What questions do you have?

18 CHAIRPERSON GRONACHAN: Do you  
19 have anything to offer at this time?

20 MR. MOLLNER: Reading into your  
21 definition there, as far as 10-foot from  
22 principle structure, so I'm not sure that  
23 once you add this on there, is that  
24 considered principal structure or not.

25 So that's the reason we are



1 here, to clarify that and to see if we do  
2 need the variance.

3 Supposed to be 10-foot from a  
4 pool, principle structure.

5 CHAIRPERSON GRONACHAN: Okay. Is  
6 there anyone in the audience that has  
7 anything to offer in regards to this matter?

8 (No audible responses.)

9 CHAIRPERSON GRONACHAN: Seeing  
10 none, Member Krieger, would you like to read  
11 the correspondence.

12 MS. KRIEGER: In Case No.  
13 PZ15-0011, 17 letters were mailed, one letter  
14 returned, two approval letters received, zero  
15 objections received.

16 First one is approval, no  
17 comments, Scott and Lisa Confer, C-o-n-f-e-r,  
18 on Glenmore.

19 Second one is approval, no  
20 comments, Joe and Nancy Cesarz, C-e-s-a-r-z,  
21 on Glenmore. And that's it. Thank you.

22 CHAIRPERSON GRONACHAN: Building  
23 department?

24 MR. WALSH: Yes. Just one  
25 comment. The comment would be -- the setback

1 from the addition would have to be 10 feet to  
2 the pool.

3 However, after looking at the  
4 proposal, looking at the standard for pools,  
5 a four foot minimum setback would be a  
6 safety, so that's what the petitioner is  
7 proposing, he's coming out -- wants his  
8 addition to be -- for a variance of six feet,  
9 a setback of four feet from the pool, so we  
10 felt that that's a good proposal. Thank you.

11 CHAIRPERSON GRONACHAN: Thank  
12 you. Board members. Member Sanghvi.

13 MR. SANGHVI: Thank you, Madam  
14 Chair. I was at your house earlier in the  
15 day and I looked around there. I hope you  
16 didn't mind it.

17 But I think the wording of  
18 this request is a little misleading,  
19 suggesting that you want to build a new patio  
20 and enclose it, other than the current  
21 existing patio you want to (unintelligible)  
22 around it. Is that correct?

23 MR. MOLLNER: We are going to  
24 build it up so that it's level with the door  
25 coming out and then enclose it.

1 MR. SANGHVI: You already got a  
2 patio, you're not going to encroach any  
3 further near the pool?

4 MR. MOLLNER: No. We are going  
5 to stay right within the fence.

6 MR. SANGHVI: That is the  
7 clarification that I think is very vital to  
8 understand for us, that you are -- this is  
9 already there, you just need to lift it up  
10 and --

11 MR. MOLLNER: We are lifting up  
12 the patio.

13 MR. SANGHVI: So you can use it  
14 all around the year and not worry about the  
15 insects and all that. I can understand as a  
16 homeowner myself this in here, this area and,  
17 this can happen to be honest, this is a  
18 totally different complexion on the problem,  
19 clarification for me and hearing what I hear  
20 now, I have no problem. Thank you.

21 MR. MOLLNER: Thank you.

22 CHAIRPERSON GRONACHAN: Member  
23 Byrwa.

24 MR. BYRWA: It's more of a  
25 building question for the installer there.

1                   What type of footings are you  
2                   putting?

3                   MR. MOLLNER: We are going to do  
4                   standard 42-inch footings, trench footings,  
5                   couple rolls of blocks to get up to the  
6                   house, then putting in a platform building  
7                   just like you would a regular, you know,  
8                   screened in porch basically -- that's where  
9                   it started, myself and his wife started  
10                  talking, because we were doing work on the  
11                  house correcting -- not that this involves  
12                  you, the bee problem, getting rid of some of  
13                  the woodpeckers who tore everything up.

14                  We started talking -- it's  
15                  kind of useless there really, to sit down or  
16                  do anything.

17                  So she was wanting to get it  
18                  up, maybe screen it in, then we thought, you  
19                  know what, let's just put windows in it and  
20                  make it where we can sit in it and, you know,  
21                  keep the rain out.

22                  As far as everything would be  
23                  built to code. You would have a shed roof on  
24                  the back, two by four walls. It would have  
25                  regular framing, two by four because it's not

1 insulated, so we are not worried about  
2 anything like that, 16 inch on center, you  
3 know.

4 MR. BYRWA: I was aware of a  
5 situation that I was involved with in the  
6 past, where a patio enclosure was built off a  
7 second floor bedroom, it was a glass  
8 enclosure and it was off the back of the  
9 house and in the backyard they had a swimming  
10 pool similar to this situation, and they put  
11 in column footings of 42 inches and what  
12 ended up happening is the pool was drained in  
13 the winter time, the ground froze laterally,  
14 and even though those footings were 42 inches  
15 deep, I'm not sure if it was 42 inches  
16 laterally or better, but it ended up racking  
17 and heaving this glass enclosure that was  
18 built on these column footings.

19 So I guess my words of caution  
20 would be that you might want to go above and  
21 beyond what the code is when you start  
22 building close to a swimming pool that is  
23 going to be drained and you're dealing with a  
24 different frost situation and heaving  
25 situation.

1 MR. VALADE: Just a point of  
2 clarification, on this in ground pool, we do  
3 not drain it at all.

4 We come in, we hire a company  
5 to come in to winterize it and actually put a  
6 cover over it. There is no drainage at all  
7 involved.

8 MR. BYRWA: Thank you.

9 MR. MOLLNER: There will be 100  
10 percent footings all the way around. If they  
11 want a couple of extra inches, I'm fine with  
12 that.

13 CHAIRPERSON GRONACHAN: Anyone  
14 else?

15 I have no problem with this.  
16 I too was by and I saw the wetlands, and went  
17 wow. I didn't realize the problems that can  
18 come from being so close and you're right  
19 there.

20 So I like Member Sanghvi, I  
21 read it wrong, I thought you had to move the  
22 pool, too. I have to reread this in a  
23 different light or something.

24 I'm glad that you don't have  
25 to move the pool. It is a minimum request.

1 I think it meets the spirit of the ordinance  
2 given the wetlands that you are so close to.  
3 I don't see any other options after looking  
4 at the property, and so I will fully support  
5 your request. Thank you.

6 Do we have a motion?

7 Member Krieger.

8 MS. KRIEGER: In Case No.  
9 PZ15-0011, for Rick Valade, 25905 Laramie  
10 Drive, I move to grant the variance request  
11 as requested by the petitioner. He's  
12 established his practical difficulty, by the  
13 picture and explanation and presentation and  
14 information that the physical condition and  
15 property. The wetlands next-door and the  
16 bees and wasps and birds, the local wildlife  
17 are encroaching on there almost on the inside  
18 of the house, so they do have a pool, which  
19 of course, attracts mosquitoes, so that this  
20 would benefit with an enclosure, and because  
21 of the explanation that the physical  
22 conditions of the property creates a need for  
23 the variance, the location of the pool, and  
24 the house, and they already having fencing,  
25 and then just putting a glass enclosure as

1 explained with the proper footings approved  
2 by the city, to alleviate this situation, the  
3 addition is not a personal or economic  
4 hardship, the need is not self-created, the  
5 bees were there first.

6 The strict compliance with  
7 dimensional regulations of the zoning  
8 ordinance is already placed, so the -- by  
9 explanation, the water should not create a  
10 footing problem.

11 Unreasonably prevent the  
12 petitioner from using his property for a  
13 permitted purpose will make it unnecessarily  
14 burdensome to comply with the regulations  
15 because it would be very economically  
16 burdensome to move the pool.

17 Petitioner has established  
18 that the variance is the minimum variance  
19 necessary, lesser variance where the fence is  
20 at is the minimum request.

21 The requested variance will  
22 not cause adverse impact on surrounding  
23 property, or properties or will enhance  
24 values and the enjoyment of the property and  
25 in the neighborhood.



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And I covered it.

CHAIRPERSON GRONACHAN: It's been moved. Is there a second?

MR. SANGHVI: Second.

CHAIRPERSON GRONACHAN: It's been moved and second.

Ms. Ramsay, would you please call the roll.

MS. RAMSAY: Member Ibe?

MR. IBE: Yes.

MS. RAMSAY: Member Krieger?

MS. KRIEGER: Yes.

MS. RAMSAY: Member Sanghvi?

MR. SANGHVI: Yes.

MS. RAMSAY: Member Byrwa?

MR. BYRWA: Yes.

MS. RAMSAY: Member Montville?

MR. MONTVILLE: Yes.

MS. RAMSAY: And Chair Gronachan?

CHAIRPERSON GRONACHAN: Yes.

MS. RAMSAY: Motion passes six to zero.

CHAIRPERSON GRONACHAN: Your variance has been granted. Good luck.

MR. VALADE: Thank you for your

1 time.

2 CHAIRPERSON GRONACHAN: Good

3 luck.

4 We have two more cases. And  
5 it is getting close to 9:00.

6 What I would like to do is  
7 call our next case and then I'm just going to  
8 let Gander Mountain know that the board will  
9 entertain a three minute break after this  
10 case.

11 I appreciate your indulgence.  
12 I'm looking to the petitioner in the back.

13 So PZ15-0012, Gordie and  
14 Audrey Wilson at 1345 East Lake Drive. The  
15 petitioner is requesting a variance to allow  
16 construction of a new ramp addition on an  
17 existing parcel.

18 Good evening. Are you Mr. and  
19 Mrs. Wilson?

20 MS. WILSON: No, I am Audrey  
21 Wilson.

22 MR. COLTHERS: My name is Gary  
23 Colthers, C-o-l-t-h-e-r-s. I am her father.

24 MS. KRIEGER: Are either of you  
25 attorneys?

1 MR. COLTHERS: I am an attorney,  
2 but I'm not appearing as an attorney.

3 MS. KRIEGER: Do I swear them?

4 CHAIRPERSON GRONACHAN: You don't  
5 have to.

6 MR. COLTHERS: I'm not appearing  
7 as an attorney. I do want to be a witness  
8 since I'm the one that's going to use this  
9 ramp.

10 CHAIRPERSON GRONACHAN: It's a  
11 courtesy that you don't have to get sworn in.

12 MS. KRIEGER: For PZ15-0012, do  
13 you both swear or affirm to tell the truth in  
14 this case?

15 MS. WILSON: I do.

16 MR. COLTHERS: We have put the  
17 drawing up there that I submitted.

18 I also have it in your packet  
19 a survey, if you would like to see that.

20 Just a few things on the  
21 property.

22 This is a remodel of an  
23 existing structure. The old house I believe  
24 was approximately 30 years old. It was a  
25 split level and it's approximately 72 inches

1 from the ground up to this door that you  
2 would get into the house.

3 There is a 10-foot setback on  
4 both sides, 10 foot on the north, 10 foot on  
5 the south. We are proposing to build it on  
6 the 10 foot on the north side.

7 On the north side, the  
8 neighbor to the north, they have on their  
9 side a driveway in the setback and they park  
10 their car there. And then farther back in  
11 that setback they have a shed that encroaches  
12 on that setback, which is out of the way and  
13 then part of their house I believe also  
14 encroaches the setback.

15 If you wanted to see that, I  
16 could show it to you on the survey.

17 If you wanted to enter the  
18 backyard of this house, you would do it on  
19 the south side, that's got a 10-foot wide  
20 setback, the neighbors got a 10 wide setback  
21 and there is nothing in the way.

22 The front porch on this house,  
23 that's going to be -- you could see where the  
24 ramp goes there, the front porch is about  
25 seven feet by seven feet, it's got some posts

1 on it, so the platform of the ramp would go  
2 to the floor of that porch.

3 I have been in a wheelchair  
4 for about 40 years and I have dealt with  
5 ramps and lifts and incline lifts in business  
6 situations and personal situations, and I  
7 have looked at this for a long time trying to  
8 figure out which would be the best way, the  
9 easier way and the most practical way to get  
10 my wheelchair into this house.

11 So under the ordinance, if you  
12 are going to talk about practical difficulty,  
13 I think there is practical difficulty and we  
14 do need a variance.

15 The first one is you need  
16 circumstances or physical conditions of the  
17 property.

18 Probably the biggest one is  
19 the fact that the water level is so high so  
20 when they built the house before this house,  
21 they made it a split level, so when you got  
22 up to the front door it had to be this 72  
23 inches off the ground.

24 The house to the north and the  
25 house to the south are both split levels.

1                   But for that, I wouldn't need  
2                   a ramp because it would be a standard  
3                   Michigan house with three steps and you would  
4                   be in the front door.

5                   Number two, the need is not a  
6                   result of the actions of the property or the  
7                   previous owner.

8                   Probably the previous owner,  
9                   when they built their house, which we are  
10                  building our house on that same foundation,  
11                  didn't foresee the need for a ramp. I don't  
12                  even know in the '70s if there was  
13                  requirements by Novi, if you had to have a  
14                  variance to build a ramp in a setback or not.  
15                  So, I don't think that they would have  
16                  foreseen a reason to make a house that would  
17                  be wheelchair accessible.

18                  Strict compliance will  
19                  unreasonably prevent the property owner from  
20                  using the property for a permitted use. This  
21                  is somewhat self-explanatory.

22                  Although I will say one of the  
23                  reasons I decided on a ramp instead of a lift  
24                  is that I probably won't use this thing more  
25                  than 10, 15 times a year on -- maybe more

1 times on ten or 15 occasions.

2 So the idea of the ramp is  
3 that it's always there, never fails and you  
4 can count on it, versus some other things  
5 that I have had problems with.

6 The minimum variance necessary  
7 to do substantial justice.

8 I considered if you -- can't  
9 see it from here, move it down. There is two  
10 front doors or two doors that go into the  
11 front.

12 If you go in the garage, right  
13 there where that three-foot wide ramp is, the  
14 words right inside that wall there is a door  
15 that goes into the house from the garage.  
16 And I thought about ramping it in the garage,  
17 but then I would hit the ceiling of the  
18 garage with my head because you have got that  
19 72 inches.

20 So I looked at an inclined  
21 lift and a vertical lift. Vertical lift  
22 would be in the way of the cars coming into  
23 the garage. And the inclined lift I thought  
24 of that, I got one of those myself at my  
25 house, and it's possible, but it's in the

1 way. They are always in the way. If you  
2 have a four foot wide stairway, you got rails  
3 on these things that are 250 pounds apiece  
4 about and so you have to bolt it into the  
5 floor, and it's nice for me, because you just  
6 roll into it, but for anybody else that is  
7 using it, if you want to take anything up and  
8 down those stairs, you have got that lift in  
9 the way.

10 They have got folding lifts  
11 now, but they go on a 220 circuit there to  
12 the side, and they still take up -- they make  
13 it smaller to get up into the house and that  
14 garage door is going to be the main door into  
15 the house.

16 So after looking at it for  
17 quite awhile, I thought, you know, why burden  
18 these people with a ramp that I'm going to  
19 use maybe 10 or 12 times, occasions a year.

20 So from there I went to a  
21 possible vertical lift outside, that would be  
22 on the porch to the north side. And that  
23 would have been okay, except that's also a  
24 variance. So I assume that's also in the  
25 setback so that would require a variance. So



1 that didn't make any sense. So then I  
2 thought about it on the south side. And I  
3 looked at that, I thought well, if I do it  
4 there, it's going to catch all the wind off  
5 the lake, the advantage to that, to the ramp  
6 being where it is, is that the house shields  
7 it from really severe weather, and having  
8 been to another house there, on the west end,  
9 the wind is constant there.

10 So those lifts work okay, but  
11 over time, if you're not using them all the  
12 time, the grease gets cold, it gets hard,  
13 they stop working, you have blackouts, some  
14 work on batteries, then, you know, if you're  
15 not changing them, so it is a constant  
16 maintenance problem.

17 So then I thought, well, let's  
18 do the ramp in the front, so you go from the  
19 porch over to the garage, but that requires  
20 three switchbacks, two switchbacks, so three  
21 ramps, and it puts it out into the driveway.

22 So when you are turning the  
23 corner to get into the garage, the odds you  
24 are going to hit it with the car after while,  
25 is just going to happen. Plus a ramp right

1 in the front of it blocks all the windows on  
2 the bottom side of the front of the house.

3 So after considering all of  
4 that stuff and looking at this thing for  
5 quite a while, I decided that the best way to  
6 keep this ramp out of the way is to make it  
7 the least visible to the front, to cause, you  
8 know, minimum problems for the neighbors,  
9 because he's parking his car there and he  
10 doesn't use that side for any kind of scenic  
11 value, plus the ramp really is not that bad,  
12 it's like a deck, slanted, so I thought,  
13 well, put it on the north side. Thank you.

14 CHAIRPERSON GRONACHAN: Thank  
15 you. Do you have anything else to offer?

16 MS. WILSON: No, thanks.

17 CHAIRPERSON GRONACHAN: Thank  
18 you. Is there anyone in the audience that  
19 wishes to offer a comment on this case?

20 (No audible responses.)

21 CHAIRPERSON GRONACHAN: Seeing  
22 none, correspondence.

23 MS. KRIEGER: In Case No.  
24 PZ15-0012, 33 letters were mailed, two  
25 letters returned, one approval letter, and

1 zero objection letters.

2 And the letter is approval,  
3 comments, no objection, and it's from Joe  
4 Debrinoat, D-e-b-r-i-n-o-a-t, on 1939 East  
5 Lake. That's it.

6 MS. WILSON: That's our neighbor  
7 to the north.

8 CHAIRPERSON GRONACHAN: Building  
9 department?

10 MR. WALSH: No comments at this  
11 time.

12 CHAIRPERSON GRONACHAN: Board  
13 members?

14 MR. BYRWA: You're aware that  
15 this is steeper and it doesn't meet the  
16 handicapped requirements of Michigan Barrier  
17 Free Design or the ADA act?

18 MR. COLTHERS: It meets the  
19 requirements of the building code.

20 MR. BYRWA: Not for a handicapped  
21 ramp under the Michigan Barrier Free Design  
22 or ADA, Americans with Disability Act.

23 MR. COLTHERS: I only looked at  
24 it --

25 MR. BYRWA: What they mandate

1 basically is a slope no greater than one in  
2 ten. And for the simple reason that once you  
3 get steeper than that, where you're at here,  
4 the likelihood of that wheelchair flipping  
5 backwards is a high likelihood or possibility  
6 at the slope that you're proposing.

7 MR. COLTHERS: I looked at R311.8  
8 for ramps, but I understand what you are  
9 saying. We haven't decided yet. If you look  
10 at the drawing, that ramp the way it is, is  
11 one in eight. And the reason I did it that  
12 way instead of one in 12, which would cover  
13 your one in ten, is because it fits the size  
14 of the house.

15 And in the front I can go a  
16 little longer to make up for the platforms  
17 because I don't have any rise on the  
18 platforms. But if I had to, I could always  
19 apply for a variance to the Barrier Free  
20 Design board and ask them to do it.

21 I can tell you, my ramps that  
22 I use in different -- in multiple places, the  
23 one out of my van, about one in six, one in  
24 seven. There is nothing that's -- there is  
25 nothing that is more than one in ten, one in

1 eight.

2 MR. BYRWA: I think the building  
3 department could still issue a permit, should  
4 a variance be granted, but they really  
5 couldn't call it a permit for a handicapped  
6 ramp because it doesn't meet the requirements  
7 of that. They could use different  
8 terminology like a modified access that you  
9 could call it, I guess.

10 MR. COLTHERS: Thank you though  
11 for telling me that, so I can consider that.

12 CHAIRPERSON GRONACHAN:

13 Mr. Walsh?

14 MR. WALSH: This is residential  
15 construction, so it comes under the Michigan  
16 residential code, so it's different than the  
17 building code. So those requirements  
18 wouldn't apply.

19 Just like the applicant  
20 indicated, I believe, I steered him in the --  
21 gave him the code section. He would just  
22 have to comply with the residential building  
23 code.

24 CHAIRPERSON GRONACHAN: Anyone  
25 else?

1 First of all, I want to  
2 commend you on all your hard work that you  
3 did. You answered all my questions.

4 We don't have any openings now  
5 on the Zoning Board, but if you ever get  
6 bored, you know, you want to come and visit,  
7 you could fill in.

8 Anyway, I think you did a  
9 great job of this. And going out there, I  
10 saw that with these lot configurations out  
11 there, it's 150,000 ideas sitting up late at  
12 night with a pencil and a piece of paper  
13 trying to figure what's the least impact on  
14 who and whom, and who is going to be involved  
15 up there.

16 The fact that we got a letter  
17 from your neighbor that's in support of this  
18 as well, fares well. And the fact that you  
19 seemed to be well-versed in all of this and  
20 have given this board a full explanation on  
21 every which way but straight on how to this.

22 I will be supporting your  
23 request for a variance. I think it's minimal  
24 and it meets the spirit of the ordinance.

25 MR. COLTHERS: Thank you.

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CHAIRPERSON GRONACHAN: Thank you? Anyone else. Member Krieger.

MS. KRIEGER: In Case No. PZ15-0012, for Gordie and Audrey Wilson on 1345 East Lake Drive, I move to grant the request sought by petitioners.

That they established very well their practical difficulty and the alleviation for it. You did an excellent job.

Also there was a letter approved from the neighbor next-door, that they examined all possibilities for a ramp to assist with the wheelchair which would probably assist anybody in the future as well as if they had to push something upstairs on the porch.

The petitioner is unique to this -- well, every house on Walled Lake and East Lake is unique.

The physical conditions of the property also, every property line and border is unique there as well, that it does not -- the need is not self-created. The house is as-is.

1           The strict compliance with  
2           dimensional regulations of the zoning  
3           including the variance is the minimum request  
4           and will match the house.

5           Strict compliance will  
6           unreasonably prevent the petitioner from  
7           using their property for a permitted use for  
8           visitation of visitors needing assistance,  
9           and will make it unnecessarily burdensome to  
10          comply with the regulation, finding  
11          alternatives to enter the house would be more  
12          complicated.

13          Petitioner has established the  
14          variance is the minimum variance necessary, a  
15          lesser variance would not -- it would create  
16          a steeper incline.

17          The requested variance will  
18          not cause adverse impact on surrounding  
19          properties, values or enjoyment of the  
20          property in the neighborhood, that a ramp is  
21          created can be an enhancement on a deck and  
22          that's it.

23                   CHAIRPERSON GRONACHAN: Thank  
24                   you. It's been move, is there a second?

25                   MR. SANGHVI: Second.



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CHAIRPERSON GRONACHAN: It's been moved and supported. Is there any further discussion in regards to the motion?

(No audible responses.)

CHAIRPERSON GRONACHAN: Seeing none, Ms. Ramsay, would you please call the roll.

MS. RAMSAY: Member Ibe?

MR. IBE: Yes.

MS. RAMSAY: Member Krieger?

MS. KRIEGER: Yes.

MS. RAMSAY: Member Sanghvi?

MR. SANGHVI: Yes.

MS. RAMSAY: Member Byrwa?

MR. BYRWA: Yes.

MS. RAMSAY: Member Montville?

MR. MONTVILLE: Yes.

MS. RAMSAY: Chair Gronachan?

CHAIRPERSON GRONACHAN: Yes.

MS. RAMSAY: Motion passes six to zero.

CHAIRPERSON GRONACHAN: Your variance has been granted.

Good luck and I'm sure you will be back in touch with the building

1 department.

2 MR. COLTHERS: Thank you all for  
3 your time.

4 CHAIRPERSON GRONACHAN: The board  
5 at this time would like to entertain a three  
6 minute break and then we will be back and we  
7 will visit with our last case of the evening,  
8 Gander Mountain. I'm sure he needs this  
9 extra three minutes to prepare.

10 All in favor?

11 THE BOARD: Aye.

12 (Short recess taken.)

13 CHAIRPERSON GRONACHAN: I'd like  
14 to call the Zoning Board of Appeals meeting  
15 back to order.

16 Call Case No. PZ15-0013,  
17 Patrick Stieber with Allied Signs on behalf  
18 of Gander Mountain at 43825 West Oaks Drive.

19 The applicant is requesting a  
20 variance from the City of Novi code of  
21 ordinances to allow a third single wall sign  
22 by right and RC regional center wall sign  
23 district. Thank you for your indulgence.  
24 You are?

25 MR. FIELDS: Jim Fields,

1 operations manger, Allied Signs, F-i-e-l-d-s.

2 CHAIRPERSON GRONACHAN: Would you  
3 raise your right hand and be sworn in by our  
4 secretary.

5 MS. KRIEGER: In PZ15-0013, do  
6 you swear or affirm to tell the truth in this  
7 case?

8 MR. FIELDS: I do.

9 CHAIRPERSON GRONACHAN: Thank  
10 you, please proceed.

11 MR. FIELDS: Thanks for your  
12 patience tonight, number one.

13 What you will see here is a  
14 plan, and when you start off by saying we are  
15 requesting a variance for a third sign,  
16 actually, they already have two signs. There  
17 was a variance granted for the north  
18 elevation. The north elevation will go away,  
19 which is this point.

20 And what are seeking is  
21 reapplying for the second sign so there is  
22 visibilty at Donaldson Drive, which is going  
23 to get your traffic in off Twelve Mile.

24 With the north sign going  
25 down, they had two signs, we want to get back

1 into that status.

2 We feel -- this is all  
3 commercial back here, you have flow on Twelve  
4 Mile, they do have the need to have  
5 visibility coming in off Donaldson since  
6 they're going to lose anything coming off  
7 here in the north face, so that way their  
8 only primary signage, which is already  
9 variance granted, is off Novi Road, which we  
10 have that.

11 The sign that will be looking  
12 for the variance over here is under footage.  
13 I think 90 square feet was granted for the  
14 north elevation, which drops, and that sign  
15 will be at 56.45 feet.

16 Really in essence we are  
17 removing a sign that was granted a variance  
18 from the north elevation, we will be  
19 relocating the same square footage of sign on  
20 the western elevation.

21 There is no residential areas.  
22 We feel that the client does have the need to  
23 have their branding on the back side for the  
24 traffic on Donaldson and (unintelligible)  
25 that's going to come in off Twelve Mile Road.

1 CHAIRPERSON GRONACHAN: Anything  
2 else?

3 MR. FIELDS: That's it.

4 CHAIRPERSON GRONACHAN: Clearly  
5 there is no one in the audience to have any  
6 comments.

7 Madam Secretary, can we have  
8 the correspondence, please.

9 MS. KRIEGER: In Case No.  
10 PZ15-0013, 19 letters were mailed, zero  
11 letters returned, no approval or objection  
12 letters received.

13 CHAIRPERSON GRONACHAN: Building  
14 department?

15 MR. WALSH: No comments at this  
16 time.

17 CHAIRPERSON GRONACHAN: I have a  
18 question and I want to clarify this for  
19 everyone.

20 The reason why you're losing  
21 that sign to the north?

22 MR. FIELDS: They are losing the  
23 sign to the north because there is a tenant  
24 that is taking over that space, so that  
25 tenant in their lease agreement, they have

1 access to that elevation, which is here, for  
2 their signage, to allow them signage, they  
3 will have their main visibility is going to  
4 be here, since we are over on the wall here.  
5 So that's going to be their main  
6 identification. So the Gander Mountain will  
7 come down.

8 CHAIRPERSON GRONACHAN: You are  
9 reducing the size of the store then?

10 MR. FIELDS: I don't think the  
11 square footage of the store is changing. I  
12 think they finally got a tenant that's going  
13 to seed in the end of the building.

14 MS. KRIEGER: David's --

15 MR. WALSH: It's David's Bridal,  
16 I believe, is going to end up at the north  
17 spot.

18 CHAIRPERSON GRONACHAN: Board  
19 members?

20 MR. BYRWA: I got a question.  
21 Has there ever been any studies done on how  
22 much business is related to like first time  
23 customers?

24 I got to believe most of the  
25 people that go to Gander Mountain, 90 percent

1 of the business I would think would be repeat  
2 customers, where they know you're there.

3 MR. FIELDS: I'm not exactly  
4 familiar with their clientele or their  
5 marketing.

6 What I do know is just being  
7 in signs for as long as I have been in, your  
8 visibility, if you can get yourself to where  
9 you're being seen from as many points, with  
10 losing this north to the west, you're still  
11 going to run the chance of picking up all  
12 these people in this common center over here,  
13 where they may not be a repeat customer. If  
14 you get one in ten, that increases their --

15 MR. BYRWA: But you think you  
16 would want to have signs out to the freeway  
17 with the hundreds of thousands of people  
18 using that freeway.

19 MR. FIELDS: I think with the  
20 freeway you are still going to catch  
21 visibility from the freeway in that this back  
22 lot, you will catch it on that west lot where  
23 we won't have that on the north. I think  
24 that is part of the necessity to push there.

25 They're also going to catch

1 more coming in off the freeway, catch a  
2 little bit off Twelve Mile, but they are  
3 going to become more visible coming down  
4 Donaldson because they are losing that north  
5 face.

6 CHAIRPERSON GRONACHAN: Member  
7 Montville?

8 MR. MONTVILLE: Just to confirm,  
9 that's where the banner is, where the new  
10 sign is going to be?

11 MR. FIELDS: Yes, there is a  
12 temporary banner mockup.

13 MR. MONTVILLE: Just for my own  
14 relation to sizes, this 56 and a half feet --  
15 what's that in relation to that banner? Do  
16 you know, roughly the same?

17 MR. FIELDS: Yes, square footage  
18 wise, it's a box.

19 CHAIRPERSON GRONACHAN: Thank  
20 you, Member Montville. Member Krieger?

21 MS. KRIEGER: Will they be  
22 changing the facade on the back? If somebody  
23 drives to the Sears outlet and they are  
24 coming through and they see Gander Mountain,  
25 then they look, they see the back of the



1 store, do you know if the facade will be  
2 changing in the back?

3 MR. FIELDS: I don't know  
4 anything about any upkeep. That would be  
5 under a contractor. I think we are minding  
6 directly with the building end of this. I  
7 don't think there is a remodel in plan?

8 MS. KRIEGER: Do you know,  
9 Mr. Walsh?

10 MR. WALSH: No, sorry.

11 MS. KRIEGER: Just for the sign.  
12 Thank you.

13 CHAIRPERSON GRONACHAN: Anyone  
14 else? Member Sanghvi.

15 MR. SANGHVI: Thank you. I know  
16 your store, I know how to get there. I know  
17 where you are coming from. I know now that  
18 Donaldson Drive has become a little bigger  
19 kind of a thoroughfare than it has been for  
20 many years.

21 But why do you want sign on  
22 top of the dumpsters all around there?

23 MS. KRIEGER: That's what I was  
24 talking about, on the back.

25 MR. SANGHVI: There are dumpsters

1 in there. Nothing else. Doesn't look very  
2 elegant on top of the dumpsters to put a  
3 sign.

4 MR. FIELDS: I think what they  
5 are thinking if you are looking at the back  
6 of a building, you have no idea who the  
7 tenant is at the front side of the building  
8 because you can't see any of their  
9 identification. Any chances that they would  
10 have had with north visibility coming south  
11 on Donaldson would realize that anchored in  
12 this strip where our main ID is here, you can  
13 see some of the visibilty of the signs that  
14 may be over here, where you would have no  
15 sign, with the hulk of the back building,  
16 identifying who can be the tenants in the  
17 front.

18 MR. SANGHVI: Thank you.

19 CHAIRPERSON GRONACHAN: Anyone  
20 else? I guess it's my turn.

21 I was here when Gander  
22 Mountain asked for their first set of signs  
23 back in 2003. It was Kmart before.

24 At first when I looked at  
25 this, I was not in favor. And then I went

1 back and drove around again, and you know, we  
2 had a business here earlier from Fountain  
3 Walk saying that people can't find it, and  
4 it's not a matter of easability, it's a  
5 matter of everybody wants it now, everybody  
6 wants to find it in three seconds, everybody  
7 is in a hurry.

8 That is a unique -- when I say  
9 unique, I think that the road Donaldson  
10 Drive, with that intersection right -- if you  
11 are going to cross over and go into Gander  
12 Mountain, if you are looking for something,  
13 I'm all about safety when I'm driving and  
14 trying to find somewhere. And I got like  
15 that from living up on the east coast praying  
16 that one day I would get back to Novi and  
17 find my way around because I would know my  
18 way around.

19 But as an outsider, we have  
20 the Suburban Showplace, we have all these  
21 hotels, we have people coming from out of  
22 town a lot, that don't know that Gander  
23 Mountain is there, that doesn't know that  
24 those other businesses are there. We have  
25 been fortunate to live here a long time, so

1 we easily identify, oh, yeah, I know where  
2 that is.

3 When you are thinking in terms  
4 of a larger city that Novi is growing to be,  
5 and the businesses that we are trying to  
6 support, I feel that with that uniqueness of  
7 the layout between Fountain Walk and this  
8 complex that Gander Mountain is in, Donaldson  
9 Drive, Twelve Mile and all of that entering  
10 into that intersection, I think everybody  
11 needs as much help as they can get,  
12 especially when it's dark and it's during the  
13 winter and you're driving and you're just  
14 trying to find the Gander Mountain when you  
15 are coming from your hotel.

16 Having said that, that's how I  
17 think.

18 I agree, I don't think it's  
19 very pretty the way they have with those  
20 dumpsters, but if it's useful, and it's going  
21 to help, these businesses in need in Novi,  
22 then I feel that I can support this request.  
23 I feel it's minimal.

24 I think that Gander Mountain  
25 has been a long-standing business in Novi

1 from 2003, and I'm glad to see that they are  
2 successful, and therefore, for those reasons,  
3 I would be supporting your request.

4 MR. FIELDS: Thank you.

5 MS. KRIEGER: I thought of my  
6 other question I hadn't thought of earlier.

7 Mr. Walsh, on Novi Road, the  
8 pole sign that has Gander Mountain, is that  
9 technically the third sign?

10 MR. WALSH: No, these are just  
11 for wall signs.

12 CHAIRPERSON GRONACHAN: The ones  
13 on the podium out front, that's automatic?  
14 Correct.

15 MR. WALSH: Right. We are only  
16 talking about the wall signs.

17 MS. KRIEGER: Go ahead, do the  
18 motion now?

19 CHAIRPERSON GRONACHAN: Would  
20 anyone like to do a motion?

21 MR. IBE: Madam Chair, I will do  
22 the last motion of the day.

23 In Case No. PZ15-0013, Patrick  
24 Stieber with Allied Sign on behalf of Gander  
25 Mountain at 43825 West Oaks Drive, I move

1 that we grant the petitioner's request, as  
2 requested, for the fact that petitioner has  
3 shown practical difficulty that will warrant  
4 favorable discretion in granting the  
5 variance.

6 The locating of the property  
7 itself is what is at stake here. Based on  
8 the comments made by Madam Chair, I think she  
9 eloquently did a good job for the petitioner,  
10 in stating that where you are located, you  
11 know, Donaldson Drive and Twelve Mile and the  
12 rest of all the things happening in the area,  
13 it makes it far more difficult to really find  
14 place, if you don't know where you're going.

15 Now, for someone like us, who  
16 have been here a long time, it's easier to  
17 find it, but I doubt if anyone that is tucked  
18 away in that corner, and knowing Kmart used  
19 to be there, long time ago, so obviously the  
20 location, the geographical location of this  
21 business alone demonstrates sufficient  
22 practical difficulty.

23 With other variances obviously  
24 the petitioner will be unreasonably -- will  
25 be limited to what they can do with the

1 property as they (unintelligible) so this  
2 variance that allows for visibility, allows  
3 them the opportunity to maximize the use of  
4 that space and intended purpose.

5 The property itself is unique,  
6 the geographical location. Petitioner did  
7 not create this condition obviously.

8 The fact that this sign on the  
9 north side is coming down, is also not  
10 petitioner's creation, there is a new tenant,  
11 which means that based on the lease  
12 agreements and all of that, you get  
13 (unintelligible) signs, so you do need that  
14 visibility. So the self-creation is not  
15 really there.

16 The relief granted will not  
17 unreasonably interfere with adjacent  
18 surrounding properties. Letters were sent  
19 out, there has not been any objections to  
20 your request, so I believe the businesses  
21 there do appreciate the fact that you do want  
22 to remain viable, so you can stay there  
23 because other businesses benefit when  
24 businesses are thriving.

25 The relief is consistent with

1 the spirit and intent of the ordinance. And  
2 based on the presentation and the comments  
3 made by all parties here for the petitioner,  
4 I move that we grant the request as  
5 requested.

6 MS. KRIEGER: Second.

7 CHAIRPERSON GRONACHAN: It's been  
8 moved and seconded, is there any further  
9 discussion on the motion?

10 (No audible responses.)

11 CHAIRPERSON GRONACHAN: Seeing  
12 none, Ms. Ramsay, will you please call the  
13 roll.

14 MS. RAMSAY: Member Ibe?

15 MR. IBE: Yes.

16 MS. RAMSAY: Member Krieger?

17 MS. KRIEGER: Yes.

18 MS. RAMSAY: Member Sanghvi?

19 MR. SANGHVI: Yes.

20 MS. RAMSAY: Member Byrwa?

21 MR. BYRWA: Yes.

22 MS. RAMSAY: Member Montville?

23 MR. MONTVILLE: Yes.

24 MS. RAMSAY: And Chair Gronachan?

25 CHAIRPERSON GRONACHAN: Yes.



1 MS. RAMSAY: Motion passes six to  
2 zero.

3 MR. FIELDS: Thank you for your  
4 time.

5 CHAIRPERSON GRONACHAN: Thank you  
6 for your patience. Good luck to you.

7 Moving on, are there any other  
8 matters for discussion this evening? Member  
9 Sanghvi.

10 MR. SANGHVI: First of all, I  
11 want to commend the presentation of the new  
12 packet. Very nice and very attractive.

13 The only suggestion I would  
14 make is please try and include some site maps  
15 on the packet itself, so that when we go to  
16 look at the place we know and try to  
17 visualize what's being done. Thank you.

18 CHAIRPERSON GRONACHAN: Could you  
19 not download the site maps in your packet?

20 MR. SANGHVI: It was not there.

21 CHAIRPERSON GRONACHAN: There  
22 were some difficulties in downloading -- we  
23 all experienced difficulty downloading the  
24 packets this week.

25 I'm grateful that we got them

1 earlier on Tuesday, that was helpful  
2 especially for the number of cases. But yes,  
3 there was some sort of technical difficulty  
4 on downloading them. I had to actually leave  
5 my house, go to my office to use the wi-fi at  
6 my office because I couldn't download it at  
7 the house. I don't know why. And then  
8 someone came in and helped me. They showed  
9 me how to get it done and then Member  
10 Montville had the same problem and I see  
11 everybody else -- there was a delay.

12 MR. WALSH: Give me a call if  
13 that happens again so we can get it resolved.

14 MR. BYRWA: I think it's a matter  
15 of properly initializing with your wi-if  
16 number and all that stuff and everything. So  
17 your wi-fi can actually - the computer reads  
18 your home, there is an account number and  
19 everything that has to be --

20 CHAIRPERSON GRONACHAN: I use it  
21 for other stuff, but I've never had a problem  
22 downloading before. Just this particular --  
23 so I don't know. But the maps are in there.

24 MR. SANGHVI: I started to think  
25 city is downloading (inaudible).

1 CHAIRPERSON GRONACHAN: I do try  
2 to embrace the technology that the city has  
3 given us with these Ipads, but I have to say  
4 that the challenge of reading these site maps  
5 on these Ipads is a challenge. So that's why  
6 sometimes I think you see us stumbling and I  
7 have to actually try to -- I do go to the  
8 city websites and try to look at the bigger  
9 map because I'm -- after awhile I get a  
10 little cross-eyed.

11 I miss the paper on the maps.

12 MS. KRIEGER: I miss paper  
13 period.

14 CHAIRPERSON GRONACHAN: If I  
15 could have a map with my case.

16 Do we have anything else?  
17 Let's see if I can adjourn the meeting better  
18 this month.

19 MR. SANGHVI: May I make a motion  
20 to adjourn.

21 MS. KRIEGER: Second.

22 CHAIRPERSON GRONACHAN: It's been  
23 moved and seconded that we adjourn the  
24 meeting.

25 All those in favor say aye.

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THE BOARD: Aye.

CHAIRPERSON GRONACHAN: Meeting  
adjourned.

(The meeting was adjourned 9:40 p.m.)

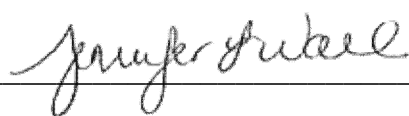
\*\* \*\* \*

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 26th day of May 2015.

20  
 21  
 22 



23 Jennifer L. Wall CSR-4183  
 24 Oakland County, Michigan  
 25 My Commission Expires 11/12/15

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