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REGULAR MEETING - ZONING BOARD OF APPEALS

CITY OF NOVI

Tuesday, December 10, 2013

Proceedings taken in the matter of the ZONING BOARD OF APPEALS, at City of Novi, 45175 West Ten Mile Road, Novi, Michigan, on Tuesday, December 10, 2013

BOARD MEMBERS

Linda Krieger, Chairperson

Mav Sanghvi

Jeffrey Gedeon

David Ghannam

Rickie Ibe

Brent Ferrell

James Gerbl ick

ALSO PRESENT: Thomas Walsh, Building Official

Beth Saarela, City Attorney

Coordinator: Angela Pawlowski, Recording Secretary

REPORTED BY: Jennifer L. Wall, Certified Shorthand Reporter

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1 Novi , Mi chi gan.
2 Tuesday, December 10, 2013
3 7: 00 p. m.
4 ** ** **
5 CHAI RPERSON KRI EGER: Wel come to
6 the Novi Zoni ng Board of Appeal s meeting for
7 December 10, 2013 and i f Member Gerbl ick
8 coul d say the Pl edge.

131210.txt
(Pledge of Allegiance recited.)

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CHAIRPERSON KRIEGER: And if
Ms. Pawlowski could call the roll.
MS. PAWLOWSKI: Member Ferrell?
MR. FERRELL: Here.
MS. PAWLOWSKI: Member Gedeon is
absent.
Member Gerbluck?
MS. PAWLOWSKI: Member Ghannam?
MR. GHANNAM: Here.
MS. PAWLOWSKI: Member Ibe?
MR. IBE: Present.
MS. PAWLOWSKI: Chairperson
Krieger?
CHAIRPERSON KRIEGER: Present.
MS. PAWLOWSKI: Member Sanghvi?
MR. SANGHVI: Here.

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CHAIRPERSON KRIEGER: This is a
public hearing and rules of conduct are in
the back.
If you could -- I will call up
for public input in a few minutes.
Now, if we could have an
approval of the agenda.
Are there any changes?
MS. PAWLOWSKI: Yes, there are.
Case No. PZ13-0060, for 47900 Grand River for
Applebee's, have asked to be postponed until
the February 11th meeting.
And also Case No. PZ13-0065 at

14 131210.txt
29770 Hudson Drive, for Hank's Automotive.
15 They have asked to be tabled to the
16 January 14th meeting.

17 CHAIRPERSON KRIEGER: So we have
18 an agenda with changes. If we could have a
19 motion.

20 MR. SANGHVI: We need to notify
21 the agent for this case, we talked about
22 which are not on the agenda anymore.

23 CHAIRPERSON KRIEGER: Right.

24 MR. SANGHVI: I'd like to make a
25 comment. Applebee's, this is the second time

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5

1 we have postponed it.

2 And I just wondered, if they
3 don't show up the next time, we should
4 consider it as withdrawn, so that we don't
5 have to keep postponing over and over again.

6 MS. SAARELA: Next time I guess
7 what would happen, if they didn't show up and
8 you wanted to go forward, you would just
9 basically look at the facts presented in
10 their application, and you could make a
11 decision on the merits.

12 If they didn't agree with the
13 decision, then they could ask for
14 reconsideration.

15 MR. SANGHVI: Thank you.

16 MR. GHANNAM: I will move to
17 table these matters for the two dates as
18 requested.

131210.txt

19 MR. GERBLICK: Second.

20 CHAIRPERSON KRIEGER: Should we
21 call roll on that, all in favor?

22 MS. SAARELA: You could just do a
23 voice vote, yay or nay.

24 CHAIRPERSON KRIEGER: All in
25 favor say aye.

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6

1 THE BOARD: Aye.

2 CHAIRPERSON KRIEGER: Any
3 opposed?

4 (No audible responses.)

5 CHAIRPERSON KRIEGER: Seeing
6 none, we have an agenda with two
7 postponements.

8 And minutes, we don't have
9 minutes for this month.

10 No public remarks? Is there
11 anyone in the public that has a comment? If
12 it's regarding a case, we will open it up to
13 each case as we go along.

14 That bring us to Case No.
15 PZ13-0061, for 27070 Taft Road for Garmo
16 Property.

17 Good evening. If you could
18 come to the podium, and state your name,
19 spell it out for our reporter, and proceed
20 with your case.

21 MR. GARMO: Mark Garmo,
22 G-a-r-m-o. I'm the land owner.

23 MR. GERBLICK: Sir, are you an

24 attorney? 131210.txt

25 MR. GARMO: No, I'm not.

7

1 MR. GERBLICK: Can you raise your
2 right hand.

3 In Case No. PZ13-0061, do you
4 swear to tell the truth?

5 MR. GARMO: I do.

6 CHAIRPERSON KRIEGER: Go ahead.

7 (Whereupon Mr. Gedeon entered the hearing
8 room.)

9 MR. GARMO: I have a piece of
10 property on Novi Road, and it is
11 approximately 1,500 feet across I-96. And I
12 have trees there. It's a farmhouse with a
13 barn. And along that area we have to service
14 our trees. We dig them, plant them, remove
15 and replace them.

16 On our trailers we have our
17 company name and with our phone numbers on
18 them.

19 And I received a violation
20 from the city stating that I'm advertising
21 off the freeway, or all through the signing
22 ordinance. I said, if I have my own vehicle,
23 on my own property servicing my own trees,
24 how is that, you know, in breach of a sign
25 ordinance.

8

1 Yet I still received a
2 violation.

3 I spoke to the city code
4 enforcement who said that she was not willing
5 to bend on the situation because the signage
6 is visible from the freeway.

7 And at any one point in the
8 property, it's visible from the freeway. So
9 I got 10.7 acres visible from a public
10 freeway, so am I not allowed to use my own
11 equipment with my normal -- like any other
12 truck going down the road anywhere in Novi,
13 that has a name and a phone number on it, on
14 my own property?

15 So what I'm asking is, there
16 has got to be some kind of a -- I guess,
17 ability use my own equipment on my own
18 property, which I think is kind of crazy to
19 begin with.

20 But if that's what the
21 ordinance is, that's what I'm here to do.

22 CHAIRPERSON KRIEGER: Is there
23 anyone in the public that has a comment
24 regarding this case?

25 (No audible responses.)

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1 CHAIRPERSON KRIEGER: Seeing
2 none, Mr. Walsh, from the city, questions?

3 MR. WALSH: Not at this time.

4 CHAIRPERSON KRIEGER: And Member
5 Gedeon, if you could read in -- or Member
6 Gerblick -- correspondence.

7 MR. GERBLICK: In Case No.
Page 7

8 PZ13-0061, seven were mailed, zero return
9 mailed, zero approvals and zero objections.

10 CHAIRPERSON KRIEGER: I will open
11 it up to the board.

12 MR. SANGHVI: I have a question,
13 to the city. Could you please explain to
14 everybody what zone RA means.

15 MR. WALSH: Sure. RA is
16 residential acreage district. It's intended
17 to provide areas within the community that
18 are basically a large lot, low density,
19 single family dwellings.

20 MR. SANGHVI: So this is
21 primarily a residential area?

22 MR. WALSH: That's correct.

23 MR. SANGHVI: Thank you.

24 I was at your property a
25 couple of days ago to see what it is all

♀

10

1 about. There is a home there. You live
2 there?

3 MR. GARMO: I don't live there,
4 no.

5 MR. SANGHVI: Anybody lives
6 there?

7 MR. GARMO: No.

8 MR. SANGHVI: It's just a
9 vacant --

10 MR. GARMO: It's a home that we
11 use it sometimes for when we are working at
12 the farm we will use it. But it is a liveable

13 home. There is a house, a garage, a barn,
14 you know, it's a tree farm. We have trees
15 there. And, you know, we use the house and
16 the barn secondary. Sometimes we have people
17 rented in the past, but for the most part,
18 it's vacant.

19 MR. SANGHVI: Thank you.

20 CHAIRPERSON KRIEGER: Where did
21 you have the truck with the signage parked
22 at?

23 MR. GARMO: In my driveway.

24 CHAIRPERSON KRIEGER: On your
25 driveway?

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11

1 MR. GARMO: The driveway, you can
2 see it basically there is a gravel road that
3 goes back there, which comes in from Taft
4 Road. We are the very last road -- or house
5 on Taft Road. Taft Road actually dead-ends
6 at my driveway.

7 So you kind of come in the
8 driveway and it's a gravel road that goes in
9 around, all the way around the barn.

10 So I had a conversation with
11 Sunderhill about two years ago when I first
12 bought the property three years ago. We had
13 parked our trailers up against the freeway.
14 She said, you can't do that, just keep them
15 off the freeway, so that's what we did.

16 Last year I had no problems.
17 This year I get another violation, said,

18 well, you're advertising off the freeway. I
19 said, parked right next to my loader, right
20 next to my barn, where do you want me to
21 park?

22 And I understand where she is
23 coming from, but at the same time, I guess my
24 hands are tied because I have nowhere to, you
25 know, put my own -- to service my own place.

♀

12

1 CHAIRPERSON KRIEGER: Can it fit
2 in a garage?

3 MR. GARMO: Actually the barn is
4 not safe. It's got a wooden floor. It needs
5 to be repaired. It was built in the 1850s,
6 so it's pretty old.

7 MR. GHANNAM: My take on this, I
8 understand it's your property, I think you
9 should do what you want with it. But it
10 is -- you know, it abuts the freeway, which
11 is a little bit unusual. But I just -- I
12 don't feel comfortable granting some kind of
13 blanket request that says, I want to be able
14 to put my equipment outdoors, put some kind
15 of sign on it. That could be a two-by-four.
16 It could be a 100 by 100.

17 I will be honest, you haven't
18 come with a specific sign that you want for
19 this property for a specific reason like we
20 typically get.

21 MR. GARMO: That's kind of what
22 my point exactly is. I'm not there every

23 day. I'm not leaving it here permanently.
24 It's on a licensed vehicle. It's only when
25 we service our trees. Like in the

13

1 wintertime, there is nothing there.

2 The springtime, in summer when
3 we are digging trees, we are servicing trees,
4 watering trees, fertilizing trees, that's
5 really the only time we are in and out of
6 there. But that's when I received the
7 violation and I contested the violation.

8 My point is, I'm not trying to
9 advertise, but I have vehicles that have the
10 names on my trucks. Like you're supposed to
11 have anyway, you know, per the state law.

12 And I got a ticket for that,
13 which I thought was unjust, as well. I was
14 told to -- that I need to -- have a variance
15 for my own property to be able to have my
16 trucks there. I don't have like a specific
17 time frame. It's what days and, you know,
18 generally over the winter no one is there,
19 nothing to do.

20 MR. GHANNAM: I understand. I'm
21 not debating all those issues. All I'm
22 saying is what I'm uncomfortable with in
23 addition, it is zoned residential.

24 I mean, it's -- you may use it
25 as a tree farm, but it is zoned residential

14

1 and it doesn't seem, at least from my
2 perspective, appropriate granting some kind
3 of blanket request. That's all. Thank you.

4 MR. GEDEON: One more question
5 for the city regarding the RA nature of the
6 property. So presumably this is a permitted
7 activity on the property, the tree farm? I
8 mean, why is this, you know, a sign variance
9 and not use a variance?

10 MS. SAARELA: It is a permitted
11 use in that zone, you have one family
12 dwellings, farms and greenhouses. So if you
13 go under RA, you have a list of eight things
14 that are principle uses permitted. And tree
15 farm would be a principle use that's
16 permitted in a residential acreage.

17 So he's basically asking
18 because generally you don't have signage in
19 residential acreage, it's a signage question.

20 So he's parking a vehicle with
21 signage on it, so he's basically asking for a
22 sign variance to have a sign on his property
23 basically when he parks there intermittently.

24 MR. GEDEON: Now, if we do not
25 approve this variance, I mean, is it simply

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1 that he can't park this truck ever there, or
2 are there other options? Would screening
3 would be an option?

4 MS. SAARELA: He couldn't park it
5 there. An option would be like to park it,

6 you know, put up some kind of pole barn or
7 park it.

8 I'm not sure what kind of time
9 frames, if this was overnight parking, but it
10 wouldn't be able to park there, as, you know,
11 for storage or long periods of time. He
12 would probably be able to go and pick things
13 up and leave, but not as a regular rule of
14 being there all day or overnight.

15 MR. GEDEON: Thank you.

16 MR. IBE: Sir, in light of the
17 comments that were just made, do you -- how
18 often -- do you not -- strike that.

19 What is the duration of time
20 that this equipment is parked there? Is it
21 overnight? Is it --

22 MR. GARMO: It is sometimes for
23 several weeks. As I said, a lot us, they're
24 trailers. It's not a permanent fixed sign.
25 It just falls under the sign ordinance

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16

1 because it has got -- but it's a licensed
2 vehicle that comes and goes. It may not be
3 there every day. But over the -- especially
4 the springtime is generally the time that
5 it's the longest.

6 For the most part it will come
7 and go, maybe for two days, three days, in
8 and out. It may not even be there every day
9 because it's mostly for tools.

10 Being that it is an unoccupied

11 farm house, things tend to come up missing.
12 We have had theft there. We have had people,
13 had poachers out back. We have had all kinds
14 of different things that people come and go
15 right off the freeway.

16 But at the same time, you
17 know, we are just trying to do what we need
18 to do within our rights, and I think it's
19 kind of a catch 22 based on, you know, I'm
20 not trying to put a big sign in the ground,
21 trying to grab unnecessary or, you know, free
22 advertising off my property. Even though
23 personally, I think you should, but I'm not.

24 It just happens to be the
25 vehicles we have are lettered up with our

♀

17

1 company name on it, showing what we advertise
2 and what we do. It happens to not fall under
3 the ordinance.

4 MR. IBE: Let's assume
5 hypothetically that the board, you know,
6 feels -- grants your request. And let's
7 assume hypothetically you're going to be
8 there next year. I mean, you said you come
9 in in the spring.

10 You obviously need this truck,
11 it's an equipment truck?

12 MR. GARMO: Generally it's a
13 trailer.

14 MR. IBE: It's a trailer.

15 Is there any way you can

16 shield it so it is not visible? Is that
17 practical?

18 MR. GARMO: You could throw a
19 tarp over it. I mean to me, that's
20 unreasonable. I mean, if that's what
21 necessary, it's necessary. I said for a few
22 days, even a few weeks that we are there out
23 of the 365 days in the year, on the property
24 that we own and we pay taxes on, we are not
25 infringing out beliefs on anybody.

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18

1 We are not pushing signage.
2 It just happens to be on vehicles.

3 You know, someone said, can
4 you hide it more. But if you hide it more,
5 is it a matter of hiding it more is better or
6 yes or no, or is it something just better
7 than it it's supposed to be.

8 That's why I'm really here is
9 trying to get some kind of clarification of,
10 you know, the spirit of the law, I
11 understand. You know, we don't want to be
12 broadcast with advertising every direction we
13 look, especially off I-96.

14 And if I said, if I wasn't so
15 visible, I said, when you're coming in across
16 the freeway, you're -- you know, I don't know
17 how many feet above me, you know, 80 feet
18 above the property, you can see over the
19 entire property and the neighbor's property
20 and the other property because the freeway is

21 very highly elevated there, and it comes down
22 a hill and you're right at eye level.

23 So it's a unique piece of
24 property, that unfortunately, I'm kind of --
25 I would never imagine that something like

19

1 this would have come up.

2 MR. IBE: Let me ask you this.
3 The fact that if the board denies your
4 request, that would not prevent the use of
5 this property, the way it's being used right
6 now, would you agree?

7 MR. GARMO: Would it deny the use
8 of the property? It would inhibit my use of
9 the property because I wouldn't be able to
10 use it, you know -- I would have no -- would
11 the board be able to supply me with something
12 to lock my tools and equipment in safely,
13 could they give me something to --

14 MR. IBE: Well, is it feasible,
15 like you just told me, you can put a tarp
16 over the trailer, is that correct?

17 MR. GARMO: Yeah.

18 MR. IBE: So which means you have
19 an alternative other than what you have right
20 now?

21 MR. GARMO: That's possible, yes.

22 MR. IBE: In which still allows
23 you to be able to use the property in the
24 manner in which it was intended, isn't that
25 correct?

1 MR. GARMO: That is correct. I
2 do have another question. That is something
3 that is pertaining, would I be able to have a
4 piece of equipment parked anywhere as long as
5 is there is a tarp over it in the City of
6 Novi?

7 I just need some
8 clarification. I don't want to have to make
9 alterations, go through adjustments or have
10 to even come back here, and say, oh, your
11 tarp blew off, here is your ticket again.

12 MR. IBE: Thank you very much.

13 MR. GHANNAM: I have a question.
14 The intent of the trailer with the sign on it
15 is to advertise, is it not?

16 MR. GARMO: Indirectly, yes.

17 MR. GHANNAM: I mean, you store
18 your tools somewhere else on your property.
19 You said you have a pole barn.

20 MR. GARMO: They're open. I
21 mean, they're not lockable. It's 100 and
22 some years old, you know --

23 MR. GHANNAM: The pole barn is?

24 MR. GARMO: Yes. We have been
25 broken into, windows have been broken, things

1 have been stolen. That's why we brought in a
2 trailer. First week we were out there, we
3 got broken into and got equipment stolen.

4 MR. GHANNAM: Your intent is to
Page 17

5 advertise to the public via that trailer, is
6 it not?

7 MR. GARMO: Going down the road,
8 everywhere we are, yes.

9 MR. GHANNAM: It's during your
10 business when you're selling trees, is that
11 what it is? Are they Christmas trees?

12 MR. GARMO: No, for landscape.
13 We are landscape contractors. We dig and
14 grow trees. As we're planting trees, just
15 like I said, we have our signage on our
16 vehicles.

17 MR. GHANNAM: I'm not debating
18 that you may need some type of sign.
19 Typically when we get sign requests, they're
20 very specific in terms of size, location all
21 of that. I'm still more comfortable in my
22 position that granting some kind of blanket
23 request, you can store equipment with
24 advertising, I still think is inappropriate
25 under the circumstances. Because you still

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22

1 can lock your tools somewhere else. The
2 intent of the trailer is to advertise.
3 That's what our ordinance is --

4 MR. GARMO: The intent of the
5 trailer is to hold our equipment, not to
6 advertise.

7 MR. GHANNAM: You can have a
8 trailer out there without signage.

9 MR. GARMO: This is true.

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10 MR. GHANNAM: Thank you.

11 MR. GEDEON: One more question
12 for the applicant here. Now, from the
13 satellite view, it looks like there is three
14 structures on the property?

15 MR. GARMO: That's correct.

16 MR. GEDEON: It seems like
17 another possible solution would be to use one
18 of those structures as a screen. I mean, if
19 you park, you know, the trailer on the
20 opposite side of the structure from the
21 freeway. I mean, like I said, I should seek
22 clarification from the city.

23 Is the issue visibility period
24 or visibility specifically from the freeway?

25 MS. SAARELA: It's visibility

♀

23

1 period. It can be seen from multiple
2 different locations is my understanding.

3 MR. GEDEON: Okay. Thank you.

4 MR. FERRELL: How big is the barn
5 that you said you have that has a wood floor?

6 MR. GARMO: It's hard to say.

7 Maybe --

8 MR. FERRELL: Is it large enough
9 to hold the trailers that you guys have?

10 MR. GARMO: Yes.

11 MR. FERRELL: How many trailers
12 do you have, one, two?

13 MR. GARMO: How many trailers do
14 I own personally or how many do we have

15 there? Usually we have one trailer there.

16 MR. FERRELL: So if you were to
17 fix the floors, so the trailer would actually
18 go into the barn, is that something that you
19 would be able to do?

20 MR. GARMO: That's possible, yes.

21 MR. FERRELL: If you were
22 granted -- I don't know if we can do this,
23 I'd have to ask, I'm not sure. If you were
24 granted like a time frame to fix the floors
25 in the barn, to be able to put the trailer in

24

1 the barn, to satisfy this whole --

2 MR. GARMO: It's a little more --
3 you're looking at a barn that was built in
4 the 1850s. There is literally --

5 MR. FERRELL: I'm trying to give
6 you a solution. I'm pretty much agreeing
7 with the board as well. I don't feel it's
8 appropriate to have a trailer that is
9 going -- I understand it's your property,
10 wherever you park the trailer, you can see
11 it. That's not something you're doing,
12 hopefully not. It's still not something that
13 I'm comfortable with doing either because you
14 could one day say, you know what, I'm going
15 to park this right by the expressway and use
16 it as signage when it wasn't granted to you.

17 So that's an issue that I
18 have. I'm not saying you would, I'm saying
19 you could.

20 That's a thing you could do is
21 actually fix the barn floor, actually put it
22 in there, that will solve the whole issue.
23 That or trying to get screenage for it or get
24 some trailers that don't have any signage on
25 it.

25

1 MR. GARMO: Maybe I need to ask
2 this question. What exactly is the sign
3 ordinance for trailers. So if I'm in a
4 parking lot at a mall having lunch, am I in
5 violation of the sign ordinance?

6 MR. FERRELL: I don't believe.

7 MS. SAARELA: If you look at the
8 first page of the -- do you have the packet?

9 MR. GARMO: I didn't receive a
10 packet.

11 MS. SAARELA: It's section 2810,
12 subsection 11, unlawful motor vehicle signs,
13 "it shall be unlawful to park, place or store
14 a vehicle or trailer on which there is a
15 motor vehicle sign on private or public
16 property for the purpose of advertising
17 business or products or for the purpose of
18 directing people to a business or business
19 activity".

20 So parking at the mall to get
21 lunch would not be -- you know, a temporary
22 going into the mall to get lunch. It's not
23 an overnight parking for a business purpose.

24 MR. GARMO: I didn't hear that in
Page 21

25 the statement, but that's okay, your

26

1 depiction, I guess. That's fine.

2 MR. FERRELL: How long do you
3 think it would take to actually fix the floor
4 in the barn?

5 MR. GARMO: It would probably be
6 a lot. It would have to be all torn out, it
7 would have to get filled in. There is
8 literally an area probably, I don't know, 15
9 by 30, that's two and a half feet deep. It's
10 been all cured out, there is a big hole, this
11 is big planks. All the planks would have to
12 get removed. It's a major undertaking
13 repairing the barn. That's more than just
14 the barn. There is the doors in the barn,
15 the roof of the barn.

16 MR. FERRELL: I'm just trying to
17 come up with a solution.

18 MR. GARMO: I maybe need to
19 refine my request, is to be able to use my
20 company vehicle trailers and any outside
21 advertising, companies that I own, to service
22 my trees, when -- you know, within my growing
23 season.

24 MR. FERRELL: You just want to be
25 able to park your trailers at a certain time

27

1 of year?

2 MR. GARMO: Certain time of year

3 when I need to service -- only when I'm out
4 servicing my trees. If I leave my trailer
5 there, there is no activity there, it would
6 be reasonable for me to be able to at least
7 service what I'm -- you know, my farm.

8 I guess it's no different than
9 having a machine that says Caterpillar on it,
10 am I advertising for Caterpillar or John
11 Deere if it's parked somewhere as well.

12 I mean, it's not for the sole
13 purpose of that, you know, particular thing.
14 Just like -- I shouldn't have change to to my
15 company's entire fleet image to be able to
16 dig my trees and service my trees on a
17 temporary basis.

18 If I was there for, you know,
19 an entire season non-stop, I would understand
20 where the ordinance is coming from. And I
21 see, you know, my -- if I was two doors down,
22 no one would say something to me. But
23 because I'm off the freeway, and that's why
24 I'm here at the zoning board, I do have a
25 hardship.

♀

28

1 I mean --

2 CHAIRPERSON KRIEGER: It sounds
3 like --

4 MR. GARMO: I'm sorry. I could
5 probably show you 20 places that people got
6 trailers parked with names on it, they're
7 just not visible. So if they're not visible,

8 no one says nothing. Sorry to interrupt.
9 CHAIRPERSON KRIEGER: Go ahead.
10 MR. GEDEON: One more question
11 for the city. If we deny this request and
12 the applicant re-applies, but for an
13 interpretation, requesting the board to, you
14 know, issue an interpretation of the
15 ordinance, would we be within our authority
16 to say that parking of his vehicle, you know,
17 on the property is not -- you know, for the
18 purpose of advertising?

19 MS. SAARELA: I would have to
20 look into that more. I don't think we've
21 done that with respect to the sign ordinance.
22 I would have to see historically if we
23 need -- that's not what's applied for. I
24 suppose if he applied for that --

25 MR. GEDEON: I think he has a

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1 valid point that all businesses, you know,
2 have vehicles with the business name on it,
3 you know, parked at their --

4 MS. SAARELA: They don't always
5 leave them outside. They store them
6 elsewhere, I guess that's the distinction.

7 If there was somewhere that
8 didn't allow outdoor storage of vehicles, we
9 would ticket them, too. People's vehicles
10 are only parked in places where they're
11 permitted to have outdoor storage of vehicles
12 overnight. So that's not allowed in RA, not

13 even -- or every business or industrial or
14 commercial.

15 So you have to look at the
16 particular zoning and what's permitted to be
17 parked outside, you know, in certain zoning
18 districts overnight.

19 So it wouldn't necessarily be
20 the case that even if it was commercial or
21 industrial, that he would just be allowed to
22 park it outside, it would depend on the
23 circumstances, if he had, you know, the
24 proper screening, you know, in whatever
25 circumstances.

♀

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1 So it's going to vary in
2 different districts, so it's not a blanket.
3 There is not a blanket yes or no that he
4 would be able to park in at his business.

5 You know, in some cases people
6 know they're not allowed to park outside, if
7 they can't fit into their building, they have
8 to find another place to park their vehicles,
9 pay for storage, whatnot.

10 So it's not -- you know, even
11 if we did an interpretation, I'm not sure
12 that it would get you where you wanted to be
13 in a residential acreage district. It's
14 something we have to look into.

15 MR. GEDEON: Thank you.

16 MR. GARMO: I do have a question,
17 with perspective of having vehicles --

18 CHAIRPERSON KRIEGER: I'm sorry,
19 sir. It's for the board right now.

20 MR. GARMO: I'm sorry. I didn't
21 know. Apologies.

22 CHAIRPERSON KRIEGER: Go ahead,
23 Member Ibe.

24 MR. GHANNAM: I would like to
25 make a motion if there is no other discussion

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1 or questions. Very well.

2 Madam Chair, In Case No.

3 PZ13-0061, Garmo Property, I move that the
4 board deny the application as presented by
5 the applicant for the following reasons.

6 One, that the grant of relief
7 will not unreasonably prevent or limit the
8 use of the property. Will not result in
9 substantial or mere inconvenience or inability
10 to attain a higher economic or financial
11 return to the applicant.

12 Two, that the request is not
13 based on circumstances or features that are
14 exceptional or unique to the property, and
15 that the situation, in fact, is self-created.

16 The situation here is that you
17 have an acreage of property that is located
18 in a residential zoning area, and obviously,
19 I doubt that anyone in the City of Novi wants
20 people parking trailers with signs in their
21 neighborhoods. And I know I wouldn't allow
22 that in my subdivision.

2 none, if Ms. Pawlowski could call the roll.
3 MS. PAWLOWSKI: Member Ferrell?
4 MR. FERRELL: Yes.
5 MS. PAWLOWSKI: Member Gedeon?
6 MR. GEDEON: Yes.
7 MS. PAWLOWSKI: Member Gerbl ick?
8 MR. GERBLI CK: Yes.
9 MS. PAWLOWSKI: Member Ghannam?
10 MR. GHANNAM: Yes.
11 MS. PAWLOWSKI: Member I be?
12 MR. I BE: Yes.
13 MS. PAWLOWSKI: Chai rperson
14 Kri eger?
15 CHAI RPERSON KRI EGER: Yes.
16 MS. PAWLOWSKI: Member Sanghvi ?
17 MR. SANGHVI: Yes.
18 MS. PAWLOWSKI: Moti on passes
19 seven to zero.
20 MR. GARMO: Is there anything I
21 can say or am I done?
22 CHAI RPERSON KRI EGER: Thank you
23 very much.
24 MR. GARMO: Do I have any opti on
25 to say anythi ng?

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1 CHAI RPERSON KRI EGER: That's it
2 right now. If you want to afterwards, you
3 can go to the planni ng department and
4 Mr. Boul ard or Mr. Wal sh can help you.
5 MR. GARMO: I j ust want to make
6 sure I'm clear, it's okay to keep a trailer

7 there with a tarp over it, as long as there
8 is no signage, based on his comments, is that
9 correct?

10 I'd like that to be on the
11 record, if that's true.

12 CHAIRPERSON KRIEGER: They will
13 take care of that.

14 MR. WALSH: Come in and see me,
15 we will talk your options over.

16 MR. GARMO: Thank you.

17 CHAIRPERSON KRIEGER: Call the
18 next case, PZ13-0063 Raven Investments, LLC.

19 State your name and spell it
20 for our reporter.

21 If you are not an attorney,
22 swear in with our secretary.

23 MR. FEIKENS: My name is
24 John Feikens. I'm with the firm of Feikens,
25 Stevens, Kennedy and Galbraith, a law firm

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1 downtown Detroit at 660 Woodward Avenue.

2 I represent Raven Investments,
3 LLC. With me this evening is Mr. Frank
4 Stevens, who is the principle of Raven
5 Investments, LLC, and Barb Calhum, his
6 daughter, who has been helping Mr. Stevens
7 with some of his business affairs recently
8 because he is in relatively poor health.

9 I might say and I don't mean
10 to be -- I don't mean to be jocular about
11 this, but I am sure that if he was in fine

12 fettle, he would rather be here talking to
13 you than having me do it because I think he
14 would like to present the case.

15 But he and his daughter are
16 both here and are able to answer some
17 questions, if there are any that I don't know
18 the answers to.

19 May I proceed?

20 CHAIRPERSON KRIEGER: Yes, go
21 ahead.

22 MR. FEIKENS: The petitioner
23 before you, the application before you is for
24 a variance from, as the agenda indicates,
25 Section 2001, which is a section that imposes

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1 the screening requirement for the parking of
2 trucks and other vehicles.

3 Raven Investment owns a piece
4 of property, which is bounded by a small part
5 of Novi Road, Trans X Drive, the railroad,
6 and is in, in effect, an industrial park. It
7 is zoned I2. It's zoned industrial.

8 For years there was a building
9 on that property and it was recently taken
10 down and that has occasioned the problem we
11 have right now.

12 The agenda indicates that
13 we're seeking a variance from the
14 requirements of Section 2001. I just want to
15 point out to the board that an argument could
16 be made that Section 2002 might be relevant,

17 indeed, you see that Section 2002 was cited
18 in the application originally because Section
19 2002 relates to the requirements and an
20 industrial park of fewer than 40 acres where
21 the park, as I understand it, is screened.

22 I will have more to say about
23 that in a minute.

24 But in effect, we are asking
25 for a variance that would allow parking of

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1 trucks on the property.

2 The reasons for the requested
3 variance are simple and they're two-fold.

4 One is, that parking trucks on
5 this property is a source of revenue for
6 Raven, which no longer has any source of
7 revenue from that land other than the rental
8 of space on the property. This is -- the
9 money that is gotten from renting out the
10 surface of this property is what allows Raven
11 to pay its taxes.

12 And so one of the reasons that
13 we are asking for this is because Raven, as
14 an LLC, needs the money.

15 Secondly, I don't know how
16 relevant it is to your considerations, but
17 this is a significant convenience for our
18 lessees.

19 The trucks that are parked in
20 this area would otherwise have to be taken by
21 their owners and drivers a great distance to

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22 be parked overnight.

23 And so allowing these trucks
24 to be parked in this immediate area saves the
25 time of the operators, it saves gasoline and

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1 it saves the need for them to bring the
2 trucks back to their principle garages every
3 night.

4 The reason that we are asking
5 for a variance from the screening requirement
6 is, in effect, that it would be a financial
7 hardship, and in our estimation, somewhat
8 unjust, to require screening of the very
9 small amount of the perimeter of this
10 property that could even be screened.

11 The reason it's a financial
12 hardship, or the reason it would be
13 unreasonable is number one, as I said, Raven
14 doesn't have a lot of money.

15 Number two, you may be able to
16 visualize where this property is, if you
17 remember now Novi Road was altered in that
18 immediate area, south of Grand River. And
19 this property sits right in the crook in the
20 land where Trans X Drive is, where there is a
21 ramp that goes off of Novi Road to the left
22 or towards the east and then rejoins what
23 used to be Trans X Drive and goes all the way
24 to the south.

25 The county -- originally there

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1 was a fence, there was, in effect, screening
2 there, when the building was there. The
3 county took it out, when they did their work.

4 Mr. Stevens has been trying to
5 find out whether or not the county would foot
6 the bill for putting up some screening.

7 The last information that he
8 got was that because this was a state and
9 federally funded project, they can't reopen
10 the project, and therefore, they can't put
11 screening in it at their cost.

12 Now, I don't know that that's
13 the final word on the subject, but that's the
14 latest information that we have.

15 So those are the three reasons
16 that we're here asking for a variance.

17 We submit to you that it would
18 be appropriate to grant the variance for a
19 couple of reasons.

20 Number one, as I said before,
21 we are in an industrial park. The spirit of
22 Section 2002, indeed, suggests to you that
23 the ordinance doesn't really care about what
24 people who are inside industrial parks see,
25 as long as the industrial park is screened

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1 off along its perimeter, there isn't any
2 requirement of individual pieces of property
3 to be screened.

4 Now, I'm not suggesting to you

5 as a matter of law that that necessarily
6 obtains because I don't know, and I don't
7 want to represent to you that that industrial
8 park has adequate screening all around.

9 I can tell you that it is
10 screened almost for the most part. If you go
11 along Novi Road, you can't see these trucks.
12 Because the K rail, or whatever it is, the
13 railing that sits up there, as Novi Road
14 passes over the railroad, is high enough that
15 you can't see the property.

16 Trans X Drive, once you're on
17 Trans X Drive, for the northern part of Trans
18 X Drive is effectively screened by a lot of
19 vegetation against the view of the
20 condominium owners, or the big townhouses
21 that are immediately to the east of Trans X
22 Drive. I don't know if they front on Trans X
23 Drive, but they're right to the east.

24 The only people that can
25 actually see these trucks are people who are

♀

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1 on the very front of Trans X Drive as they're
2 coming around that bend in their cars. And
3 the only land owner that can see the trucks
4 from where he sits is Mr. Stevens because he
5 owns the property across the street on Trans
6 X Drive. So he, of course, doesn't have any
7 objection to seeing semis on this property
8 that he looks at.

9 So I'm suggesting that the

10 spirit of the ordinance is already fulfilled
11 with the screening, and the only side that
12 could be screened is, in effect, not a
13 problem for anyone, you know, in the area.

14 And as I said, if we could get
15 the county to do it, because they're the ones
16 that tore the thing up initially, we would be
17 pleased to have them foot the bill for
18 putting any kind of screening in that might
19 be required.

20 But we don't know that they
21 will do it, and we don't have the money.

22 So on that basis, we ask that
23 the Zoning Board of Appeals grant the
24 variance and allow the parking of trucks on
25 this property. Thank you.

♀

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1 CHAIRPERSON KRIEGER: Is there
2 anyone in the public that has a comment
3 regarding this case?

4 (No audible responses.)

5 CHAIRPERSON KRIEGER: Seeing
6 none, Mr. Walsh, something from the city?

7 MR. WALSH: No comments.

8 CHAIRPERSON KRIEGER:
9 Correspondence?

10 MR. GEDEON: In Case No.
11 PZ13-0063, there were 16 notices mailed,
12 three return mails, zero approvals, zeros
13 objections.

14 CHAIRPERSON KRIEGER: Open it up

15 to the board for questions. Yes, go ahead.

16 MR. GEDEON: Help me understand,
17 is the water tower, the Novi special water
18 tower actually on this parcel or is it on a
19 neighboring parcel?

20 MR. FEIKENS: It's on this
21 parcel.

22 MR. GEDEON: You stated earlier
23 that there were -- let me back up.

24 Are you aware, are there cell
25 network receivers added to that tower?

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1 MR. FEIKENS: Yes, that's the
2 other source of income that Raven has.

3 MR. GEDEON: What you said
4 earlier when there was no other source of
5 income was not exactly accurate?

6 MR. FEIKENS: It was accurate. I
7 said that what -- our only source of income
8 at this point is from the surface of what's
9 on the property.

10 We used to have a significant
11 source of income when the building was being
12 occupied.

13 Back when Raven Investments,
14 LLC bought the property, the property was
15 rented out and there was a significant rental
16 charge that was being brought in.

17 But that tenant left a number
18 years of ago, and given all of the
19 circumstances, especially the economic

20 downturn, there was no basis for getting any
21 other tenant in there. So the only income
22 that Raven has had off of that property has
23 been a lease of the cell -- of the water
24 tower as a cellular phone tower and whatever
25 leases -- you know, whatever surface space

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1 can be leased out for the parking of
2 vehicles.

3 MR. GEDEON: Do you have any
4 understanding of the breakdown between -- you
5 know the income breakdown? How much -- are
6 they getting significantly more income from
7 the cell tower lease versus the surface
8 parking lot or vice versa?

9 MR. FEIKENS: I don't know the
10 answer to that. I'm going to say that the
11 number of trucks that are parked there at a
12 maximum is somewhere between eight and ten at
13 any point in time.

14 The revenue from the cell
15 tower is regular. If I were to guess I would
16 say the revenue from the cell tower is
17 greater, but I don't know.

18 Ms. Calhum says that the
19 revenue from the cell tower is greater than
20 the trucks.

21 MR. GEDEON: Thank you.

22 MR. GHANNAM: How is it that this
23 property cannot be used for any of the
24 permitted purposes, if you weren't able to

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park trucks there?

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1

MR. FEIKENS: I'm not sure I

2

understand.

3

MR. GHANNAM: Well, one of the

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things you have to establish is that -- to

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get a use variance is that you can't

6

reasonably use this property for one of the

7

permitted purposes.

8

I mean, you have an industrial

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zoning. I don't know all the things offhand

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that you can do there, but I'm sure it's a

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lot.

12

So my question is, how -- what

13

is your basis for stating that you cannot use

14

this particular property for one of the

15

permitted purposes?

16

MR. FEIKENS: I don't know that

17

we couldn't. I mean, from a realistic point

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of view, the cost of putting up a building,

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especially in these economic times,

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speculation, would be virtually nil.

21

But I think that's what the --

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that's what the best use would be, is some

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kind of development of that property. Indeed

24

Raven is interested in trying to sell the

25

property to a developer for an appropriate

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use.

2

Raven is not in the position

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to do any development of the property at this

4 point to use it for any other purpose. It's
5 a piece of land, that is, in effect, lying
6 fallow and the use of the surface is the only
7 thing reasonably available to it at this
8 point.

9 MR. GHANNAM: Maybe with the ebbs
10 and flow of the economy that may be true, and
11 maybe with the current financial status, you
12 know, the entity -- or the property owner,
13 that may be true, that's not what we look at.

14 When we give a use variance,
15 that runs with the land. That means trucks
16 can be parked there indefinitely. That
17 becomes some of the issue.

18 If you can't do something with
19 this property, maybe it's the topography,
20 maybe it's the angle that it hits the street
21 or something to that effect. I mean, that's
22 something we can consider, but if you can use
23 that property for any -- for a number of
24 permitted purposes, then it becomes a problem
25 for me.

♀

1 Do you understand?

2 MR. FEIKENS: Well, I think I
3 understand what you are saying. I think as a
4 practical matter, if there were some uses
5 that this -- a relatively impoverished
6 company could put it to, we certainly would.

7 That's the difficulty, it's a
8 matter of practicality, it isn't a matter of

9 whether we are theoretically able to do it.
10 I guess, theoretically we could.

11 As I say, if we could find a
12 purchaser that would be interested in
13 developing it and using it for a much higher
14 purpose, we would love to develop it.

15 MR. GHANNAM: I just think my
16 general position is with the current zoning
17 you have, which is pretty liberal and with
18 the particular location of this property,
19 right off Novi Road.

20 I know you said in your
21 statements that you don't think any of the
22 trucks would be able to be seen from Novi, I
23 don't know that to be true. It may or may
24 not be. But I think this area has been
25 nicely developed, I assume the city wants to

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1 keep it nicely developed and parking a bunch
2 of trucks there would alter the character of
3 that, you know, particular corridor.

4 So I would not be in favor of
5 it. Nothing else. Thank you.

6 CHAIRPERSON KRIEGER: Which is
7 the primary frontage, is it Trans X or Novi
8 Road?

9 MR. WALSH: The address is Novi
10 Road.

11 MR. FEIKENS: If I may, I don't
12 want to interrupt.

13 CHAIRPERSON KRIEGER: Go ahead.

14 MR. FEIKENS: There used to be an
15 entrance off of Novi Road. There used to be
16 an entrance off of Novi Road. I think it may
17 have had an address on Novi Road at some
18 point.

19 When Novi Road was
20 reconfigured, when that ramp was put in, that
21 entrance was wiped out. There is no longer
22 an entrance onto this property from Novi
23 Road.

24 In terms of the actual
25 footage, I think that the little plan of the

†

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1 land was appended through the petition. In
2 terms of the actual footage, this is what's
3 along Novi Road here. Whereas Trans X Drive
4 goes -- curls entirely around the north and
5 east of the property.

6 CHAIRPERSON KRIEGER: Then that
7 also doesn't have the screening, I guess, is
8 where they're looking for screening. I can
9 see how it makes an ease for trucks to turn
10 around. But because of the -- down the
11 street is a subdivision, I don't know that
12 teenagers bike around in there at times, it
13 becomes a safety issue as well in the future,
14 or currently.

15 So yes, I agree with the
16 previous speakers on the character of that.

17 MR. FEIKENS: What I have to say
18 about that is only anecdotal. I have never

19 seen anybody drive a bike down there. The
20 only teenagers that I know that may have been
21 on there are those that vandalized the
22 building, when it was still on sight.

23 And part of the reason that
24 the building was taken down was because the
25 city was very interested in having the

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1 building taken down.

2 MR. IBE: Counsel, I think the
3 reason that your client -- about a financial
4 posture for your client is -- would you say
5 that's the main reason for, you know, efforts
6 to -- for use variance? Would it be due to
7 the financial reasons? Is that really the
8 crux of your argument here?

9 MR. FEIKENS: Well, I don't know.
10 I guess that's -- I can't really speak from
11 what goes on in Mr. Stevens' mind. I know
12 that he wants this property, which he has a
13 substantial investment in, to yield some
14 return.

15 And so what the principle
16 reason in his mind and so forth, I'm really
17 just guessing at that.

18 But no, it's simply a matter
19 of getting some return off the property.
20 Without some return off of his property, you
21 know, Raven is simply not in the position to
22 be able to on its own finance its obligation,
23 such as paying the taxes. It would have to

24 come from some other source, like Mr. Stevens
25 himself.

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1 MR. IBE: So the truth of the
2 matter is that the owner of the property,
3 your client, that you speak for, can use this
4 property as permitted right now?

5 MR. FEIKENS: Yes, with a strain.

6 MR. IBE: So it is not really a
7 matter of the fact, that, you know, I can use
8 this property as it is zoned right now, as
9 it's permitted, but because of my financial
10 posture at this time, let me use it for
11 something, some other reason, other means, is
12 that correct?

13 MR. FEIKENS: Sure, that's what I
14 said. Both with respect to the fact that we
15 don't have any other income plus it would be
16 a hardship to put up the screening fence and
17 it wasn't us that took it down. It was the
18 county that took it down when Novi Road was
19 improved and when the ramp was put in.
20 Otherwise that would still be up there today
21 and we wouldn't be here.

22 MR. IBE: Counsel, I'm sure
23 you're aware of the standards that we have to
24 abide by in order to either grant or deny a
25 use variance.

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1 And one of these standards

2 specifically states that it -- we cannot do
3 it, if it's due to the applicant's personal
4 or economic hardship. That is something that
5 obviously we have to abide by and I'm sure as
6 an officer of the court and a counselor of
7 law, you will agree with me that that is
8 something you will obviously want us to
9 enforce.

10 MR. FEIKENS: Of course. But
11 although I can't imagine that it says, that
12 you can't take into account the hardship.

13 I don't think that just
14 because I say it would be a hardship prevents
15 from granting the relief. I don't very much
16 think that's what the law is just because
17 it's a hardship prevention from granting
18 relief. I point that out simply because
19 that's why we are here.

20 And the other reason is it's a
21 convenience for the people that are using it.
22 It's environmentally sound, it saves
23 gasoline, it saves the wear and tear on the
24 trucks and that's the reason we want to do
25 it.

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1 CHAIRPERSON KRIEGER: Counsel,
2 last question, you also agree, sir, that if
3 we follow your logical argument, which you
4 articulated quite well, you will open up the
5 doors for people to walk into this place,
6 asking that, you know what, due to the

7 financial reason I'm having right now, can
8 you please permit me to use this property for
9 X purposes. You know, after all, look, it's
10 the only income that I gain from this place.

11 MR. FEIKENS: I may have not made
12 my position clear. I'm not suggesting to you
13 that that's the reason for you to act. I
14 wanted to let you know that the reason we are
15 here is because it's a financial hardship to
16 leave that land unused. And the -- it's not
17 a corporation, it's an LLC, it doesn't have
18 the money at this point to do the screening.
19 That's the only relevance to the financial
20 hardship.

21 No, I don't mean to suggest to
22 you that anybody should be able to come here
23 and say, hey, we need to make some money and
24 so please let us use the land for this
25 purpose. That's not what I'm suggesting.

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1 I'm simply suggesting that's
2 why we are here. Because I think it's a
3 relevant thing for you to say, well, why are
4 you here. Why do you want to park trucks
5 there.

6 We want to park trucks there
7 because we are going to make money off of
8 parking trucks there. It's a permitted use.
9 There is nothing in the ordinance that
10 forbids it. We are allowed to do it.

11 The only problem is that we

12 have to screen it from somebody's view. I
13 think that it is effectively screened as it
14 is. The only people that are going to see
15 this are Mr. Stevens, when he sits in his
16 office across the street and looks at the
17 trucks. Nobody else is going to see those
18 trucks.

19 Now, could somebody be walking
20 along Novi Road and look over into here and
21 see the trucks, yeah, of course they could.

22 Could somebody else in the
23 industrial park driving down the road see
24 these trucks, sure. Absolutely they could.

25 But I'm just suggesting the

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1 spirit is that this is an industrial park.
2 It is about as screened as it can get except
3 for this little strip along Trans X Drive,
4 which is what Mr. Stevens looks through when
5 he sits in his office and looks across the
6 street.

7 I submit that the requirement
8 to shield Mr. Stevens' eyes from these
9 trucks, which is all the screen would do,
10 shouldn't -- you know, shouldn't be enough
11 for you to deny this request.

12 MR. IBE: Thank you very much,
13 counsel.

14 MR. FEIKENS: May I just have one
15 moment with my client to see if my client
16 wants to say anything further.

17 CHAIRPERSON KRIEGER: Yes.

18 Mr. Walsh, if he wanted to
19 comment, can the microphone be taken to him
20 if he can't get up.

21 MR. WALSH: No, I don't think so.

22 MR. STEVENS: Can I talk from
23 here? Can you hear me?

24 CHAIRPERSON KRIEGER: Yes, but
25 for the input at home.

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1 MR. STEVENS: It's very hard for
2 me to move around.

3 CHAIRPERSON KRIEGER: Thank you.
4 If you could be sworn in with our secretary.

5 MR. GEDEON: In Case No.
6 PZ13-0063, do you swear to tell the truth?

7 MR. STEVENS: I do. The other
8 problem with putting the fence back up is we
9 have Homeland Security clearance. The
10 building across the street is a bonded
11 warehouse. Those trucks are certified to
12 carry classified materials, and Homeland
13 Security has cameras on my building on the
14 other side of Trans X Drive, a fence would
15 impair their vision of part of that parcel.

16 We don't have control over
17 Homeland Security, it's their security system
18 on my building. Because one of my major
19 tenants that doesn't use that parcel hauls
20 materials from Mexico to Canada and Homeland
21 Security gets involved in that.

131210.txt

22 They use my building as a
23 transfer for loads and that can happen any
24 time in a 24 hour period.

25 But the vision of security,

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1 the more you put up, the less security we
2 have and they want to put a couple of
3 infrared lamps or cameras on the south side
4 of -- or would be the east side, I'm sorry,
5 where my other building is, to better -- that
6 area where the trucks park at night. But the
7 trucking companies are very interested.
8 There are major companies (unintelligible)
9 and other commodities like that, to use that
10 area because it's a -- Homeland Security
11 likes that because they have a collection of
12 trucks, trailers rather than having to go to
13 five or six different locations to monitor
14 classified material.

15 Any questions?

16 MS. CULHAM: May I say something?

17 CHAIRPERSON KRIEGER: Yes, if
18 could just be sworn in as well.

19 Can you state your name, too.

20 MS. CULHAM: Barb Culham,
21 C-u-l-h-a-m.

22 MR. GEDEON: In Case PZ13-0063,
23 do you swear to tell the truth?

24 MS. CULHAM: Yes. I just wanted
25 to say, this is -- parking in that lot is a

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1 permitted use. This variance is for putting
2 up the fence. So the parking is permitted,
3 per your ordinance in 12. There seems to be
4 some miscommunication on that.

5 MR. FEIKENS: Thank you.

6 CHAIRPERSON KRIEGER: Is Homel and
7 Security, since they're interested in parking
8 the trucks there, wouldn't they --

9 MR. SANGHVI: It's okay, I will
10 wait when you're finished.

11 CHAIRPERSON KRIEGER: How are
12 they participating in this if they're for the
13 use --

14 MR. FEIKENS: Well, I don't know
15 the answer to that except what Mr. Stevens
16 has indicated.

17 I guess -- certainly think
18 that if indeed Homel and Security is
19 interested in this property and interested in
20 seeing -- that's probably something that we
21 need to investigate further. I don't know.

22 Does it make sense to table
23 this for a month and come back after we have
24 looked into that?

25 MS. SAARELA: What was the

1 question? To look into what question?

2 CHAIRPERSON KRIEGER: How
3 Homel and Security is participating in this?

4 MS. SAARELA: I'm not sure that
5 that would effect the criteria of the use

6 variance in any way.

7 MR. IBE: I don't think -- with
8 all due respect, counsel, I don't think that
9 has to do with the price of beans in
10 Guatamala.

11 Really whatever Homeland
12 Security is interested in or not, Homeland
13 Security has a business with the private
14 property owner. It's not with a city
15 government or municipality. And that is the
16 contract between the parties with Homeland
17 Security.

18 I think it's beyond the scope
19 of what we are here to do at this time.

20 So I think that that is
21 something that the owner of the property and
22 the contract can deal with Homeland Security
23 as to how the municipality operates.

24 And unfortunately, our hands
25 are pretty much tied and we have to follow

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1 the rule of the law as given to us and that
2 is how we are going to base our decision.

3 CHAIRPERSON KRIEGER: Thank you.

4 MR. FERRELL: I got a question
5 for the city.

6 So this isn't anything to do
7 with the parking of the trucks, it's just the
8 screening --

9 MS. SAARELA: What we have is --
10 the principle permitted use for parking

11 outdoor storage in I2 requires screening. So
12 it is not a principle permitted use to park
13 without screening. In order to be a
14 permitted use, it's screened parking. It's
15 sort of similar to if you had a drive-thru or
16 a fast food restaurant with a drive-thru or a
17 fast food restaurant without a drive-thru,
18 they're both permitted in different areas.

19 You don't necessarily allow a
20 fast food restaurant with a drive-thru in
21 certain districts that a fast food restaurant
22 without a drive-thru is allowed in.

23 So an analogy is, in I2, the
24 permitted use is screened, fully screened
25 parking outdoor storage. So what they're

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1 talking about is just for the screening,
2 you're talking about deficient screening.

3 In this case they're not
4 asking for to put in a fence that is too
5 short, or to put in trees that aren't quite
6 opaque enough. They're not asking for a
7 deficient screening, which would be a non-use
8 dimensional variance that Section 2002 deals
9 with. They're asking to have unscreened
10 outdoor storage as a principle permitted use,
11 which is not a principle permitted use in I2.
12 Screened outdoor storage is.

13 So that's why the difference
14 between the use variance versus non-use
15 variance 2001 and 2002.

16 MR. FERRELL: So if this isn't
17 screened, they can't use it for outdoor
18 storage at all?

19 MS. SAARELA: Correct. That's
20 why it's a use variance. They're asking to
21 use it for something that's not permitted,
22 which is parking without any screening. Not
23 deficient screening, no screening.

24 MR. FERRELL: Thank you.

25 CHAIRPERSON KRIEGER: Member

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1 Sanghvi?

2 MR. SANGHVI: Counselor, I
3 empathize with your client, but
4 unfortunately, the requirements of the law
5 doesn't take that into consideration. Thank
6 you.

7 MR. FEIKENS: Thank you.

8 CHAIRPERSON KRIEGER: Yes?

9 MR. GHANNAM: May I make a
10 motion?

11 CHAIRPERSON KRIEGER: Yes.

12 MR. GHANNAM: In Case PZ13-0063,
13 for Raven Investments, LLC, I move to deny
14 the use variance requested in this matter
15 because the applicant has not shown that he
16 can -- he cannot reasonably make any other
17 use of the property an outdoor storage
18 without screening. The applicant has not
19 provided any facts showing the property
20 cannot be developed in accordance with any of

21 the principle uses permitted in the I2 zoning
22 district.

23 No information has been
24 provided as to whether the property has been
25 proposed or marketed for development for

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1 other purposes. No information has been
2 specifically given as to the cost of the
3 screening, such as including the site plan.

4 Although they claim various
5 income from other sources, that's -- those
6 specifics have not been given.

7 And although they claim lack
8 of funds, certainly that has not been
9 established, other than claimed.

10 Furthermore, the applicant has
11 not shown that the physical characteristics
12 of the property are preventing him from
13 installing screening, or alternatively from
14 using the site for another permitted purpose.

15 Although the applicant has
16 indicated that there are railroad tracks
17 adjacent to the subject property, he has not
18 indicated how that inhibits him from
19 installing the necessary screening.

20 The applicant has not shown
21 that the inability or unwillingness to
22 install the required screening has been
23 self-created.

24 Finally, the applicant has not
25 provided information showing that the

1 essential character of the area will not be
 2 changed. The nearby multi-family residential
 3 development has a view of the semi trucks
 4 stored on the site, and I believe so with
 5 Novi Road.

6 MR. IBE: Yes.

7 CHAIRPERSON KRIEGER: There is a
 8 motion and a second. Any other discussion?

9 (No audible responses.)

10 CHAIRPERSON KRIEGER: Seeing
 11 none, if Ms. Pawlowski could call the roll.

12 MS. PAWLOWSKI: Member Ferrell?

13 MR. FERRELL: Yes.

14 MS. PAWLOWSKI: Member Gedeon?

15 MR. GEDEON: Yes.

16 MS. PAWLOWSKI: Member Gerbluck?

17 MR. GERBLUCK: Yes.

18 MS. PAWLOWSKI: Member Ghannam?

19 MR. GHANNAM: Yes.

20 MS. PAWLOWSKI: Member Ibe?

21 MR. IBE: Yes.

22 MS. PAWLOWSKI: Chairperson

23 Krieger?

24 CHAIRPERSON KRIEGER: Yes.

25 MS. PAWLOWSKI: Member Sanghvi?

1 MR. SANGHVI: Yes.

2 MS. PAWLOWSKI: Motion passes
 3 seven to zero.

131210.txt
MR. FEIKENS: Thank you.

CHAIRPERSON KRIEGER: That brings us to Case No. PZ13-0064, for 27793 Novi Road, Eyeglass World.

If you could state your name and spell it for our reporter.

MR. HUYGE: My name is Patrick Huyge, H-u-y-g-e. I work for Site Enhancement Services located at 6001 Nimitz Parkway, South Bend, Indiana.

MR. GEDEON: In Case PZ13-0064, do you swear to tell the truth?

MR. HUYGE: I do. Good evening, Ms. Chairperson and gentlemen of the board.

Like I stated, my name is Patrick Huyge with Site Enhancement Services, for Eyeglass World.

What we are here proposing tonight is to move a code allowed wall sign from a south elevation in our proposed building to the north elevation.

We have been granted

permission to instruct a wall sign on the south elevation, however, our entrance to the building is on the north elevation. We are not allowed a wall sign on that elevation, so we are proposing to move that code allowed 21 square foot wall sign from that elevation to the north elevation, which is where our entrance to the building is.

9 Do you all have artwork at
10 this time that I might be able to go through
11 with you. I have the exact same artwork, we
12 can walk through it at the same time. I can
13 show you exactly the reasons why we're
14 requesting this.

15 CHAIRPERSON KRIEGER: If you want
16 to put it on the overhead for viewers at
17 home, that would be great.

18 MR. HUYGE: So what we have here
19 on page two, this shows just exactly where
20 Eyeglass World is. It's located within the
21 shopping plaza there on Novi Road.

22 The out parcel within the
23 shopping center is one of two basically with
24 the Starbucks and Jared being right there.

25 Jared and Starbucks each have

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1 two wall signs. Jared has one facing Novi
2 Road and one facing the road -- the service
3 road that goes into the shopping center.
4 Like I stated we would be allowed a wall sign
5 on the rear elevation here, however, our
6 entrance is up here on the north elevation,
7 which is where we're proposing the sign.

8 On the next page, you will see
9 kind of just some more detailed site plan.
10 Once again, we are right here within the
11 shopping center, others within the same
12 shopping center have a wall sign at their
13 front entrance, which is the norm for, you

14 know, stores everywhere along the nation.

15 I mean, if you don't have the
16 store over your entrance, how are you
17 supposed to direct customers to the entrance
18 to the property. That is impossible to let
19 patrons know exactly where this building is,
20 if there isn't a wall sign over the top of
21 the entrance.

22 On page three, this shows the
23 parking situation surrounding. As you see,
24 there is parking on the north, south and west
25 of the proposed location.

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1 We are proposing to put that
2 wall sign on the north elevation once -- like
3 I said, which is where our entrance to the
4 building is, and that is the only entrance to
5 the building.

6 On page four, this just shows
7 exactly what the wall sign will look like.
8 It fits really well within the area there,
9 very uniform compared to others in the area.
10 And it's really esthetically pleasing, in
11 comparison to, you know, the raceway matches,
12 the color of the building is very
13 proportionate to that area right there.

14 The last page is just kind of
15 a schematic showing measurements of the sign
16 and things of that nature.

17 I will be happy to answer any
18 questions on that, if you have any.

131210.txt

19 In conclusion, Eyeglass World
20 is requesting to put this sign, move it from
21 the rear of the building to the front of the
22 building so that patrons may know exactly
23 where the entrance to this building is.

24 Without this variance, we
25 would not be allowed a wall sign on the front

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1 of the building and would not be allowed to
2 notify motorists exactly where this entrance
3 is.

4 I'm happy to answer any
5 questions you may have at this time.

6 Once again, other within this
7 area, including actually Art Van, ABC
8 Warehouse have multiple wall signs, including
9 one that faces -- which is over their
10 entrance and one faces the surface road.

11 MS. SAARELA: So are you just
12 proposing one sign moving it from where it
13 currently is, that's it?

14 MR. HUYGE: The variance is for a
15 rear wall sign being moved to the front of --

16 MS. SAARELA: Will you have two
17 signs total or will you just have one sign --

18 MR. HUYGE: There will be two
19 total. The second wall sign will be on the
20 east elevation as already allowed.

21 CHAIRPERSON KRIEGER: Okay. Is
22 there anybody in the public that has any
23 comments regarding this case?

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(No audible responses.)

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CHAIRPERSON KRIEGER: Seeing

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1 none, from the city, Mr. Walsh.

2 MR. WALSH: No comments at this
3 time. It's clarified -- we weren't quite
4 sure if it was one sign or two signs.

5 CHAIRPERSON KRIEGER: Me too,
6 thank you. Open it up to the board.

7 Oh, correspondence, please.

8 Thank you.

9 MR. GEDEON: In Case PZ13-0064,
10 there were 34 notices mailed, three returned
11 mails, zero approvals, zero objections.

12 CHAIRPERSON KRIEGER: Very good.
13 Member Ghannam?

14 MR. GHANNAM: I understand the
15 need, sir. I know you're in a sea of
16 buildings and parking so forth. And clearly
17 I think one sign would be insufficient. You
18 want to move your existing sign to a
19 different location, and another sign as a
20 variance.

21 MR. HUYGE: Pardon me. It is not
22 an existing sign.

23 MR. GHANNAM: Your sign of right.
24 You want your sign of right in one area and
25 you want the second sign on the rear

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1 entrance, I understand.

2 All I'm saying, given where
Page 59

3 you're located in this particular shopping
4 center, it does make sense. I know we have
5 granted others before.

6 The problem is when you come
7 in for three or four signs because you face
8 every single angle, that becomes a problem,
9 but for this one, I have no problem.

10 MR. HUYGE: Thank you, sir.

11 CHAIRPERSON KRIEGER: Go ahead.

12 MR. FERRELL: Are you guys
13 occupying the whole -- entire building or
14 just --

15 MR. HUYGE: Yes, we will be
16 occupying that entire out parcel.

17 MR. FERRELL: Thank you.

18 CHAIRPERSON KRIEGER: Very good.

19 MR. IBE: I was going to say I
20 concur with Member Ghannam's comments.
21 Obviously you need -- it won't make any sense
22 to not have a sign over your entrance.

23 We have had people come in
24 here and they want signs facing their own
25 direction and not their entrance. This makes

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1 more sense this way.

2 I think that I don't have a
3 problem with it. I doubt if the members will
4 either.

5 MR. HUYGE: Thank you, sir.

6 CHAIRPERSON KRIEGER: Would you
7 like to make a motion then.

8 MR. IBE: I'll make a motion.
9 MR. GERBLICK: I'll make a
10 motion. In Case No. PZ13-0064, I move that
11 we grant the variance as requested. This
12 variance is based on facts and circumstances
13 that are exceptional and unique to the
14 property do not result in conditions that
15 are -- exist generally in the city or that
16 are self-created. Specifically, the location
17 of the building being in the center of the
18 shopping. There is no sign currently over
19 the one entrance to the building.

20 Failure to grant relief will
21 unreasonably prevent or limit the use of the
22 property and will result in substantially
23 more than a mere inconvenience or inability
24 to attain higher economic return.

25 Again, due to the lack that

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1 there is a sign -- a directional sign
2 pointing to the entrance of the building.

3 The grant of the relief will
4 not result in a use of the structure that is
5 incompatible with or unreasonably interferes
6 with adjacent or surrounding properties as
7 there are several properties with multiple
8 signs in the area. And will result in
9 substantial justice being done to both the
10 applicant and adjacent and surrounding
11 properties. It is not inconsistent with the
12 spirit of the ordinance.

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MR. GHANNAM: Second.

14

CHAIRPERSON KRIEGER: We have a motion and a second. Any other discussion?

16

MR. FERRELL: Should this be limited to just this business, this variance?

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18

MR. GERBLICK: I don't think so.

19

MR. GHANNAM: I wouldn't think so. It's just the nature of the building itself.

20

21

22

CHAIRPERSON KRIEGER: Ms.

23

Pawlowski, call the roll.

24

MS. PAWLOWSKI: Member Ferrell?

25

MR. FERRELL: Yes.

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MS. PAWLOWSKI: Member Gedeon?

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MR. GEDEON: Yes.

3

MS. PAWLOWSKI: Member Gerbl ick?

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MR. GERBLICK: Yes.

5

MS. PAWLOWSKI: Member Ghannam?

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MR. GHANNAM: Yes.

7

MS. PAWLOWSKI: Member I be?

8

MR. I BE: Yes.

9

MS. PAWLOWSKI: Chair person

10

Krieger?

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CHAIRPERSON KRIEGER: Yes.

12

MS. PAWLOWSKI: Member Sanghvi?

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MR. SANGHVI: Yes.

14

MS. PAWLOWSKI: Motion passes

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seven to zero.

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MR. HUYGE: Thank you very much.

17

CHAIRPERSON KRIEGER: That brings

18 us to our last, Case PZ13-0066 for 2214
19 Austin Drive.

20 If you could state your name
21 and spell it for our reporter.

22 If you are not an attorney, if
23 you could be sworn in by our secretary.

24 MR. VAICIUNAS: I'm not an
25 attorney. My name is Joe Vai ci unas, spelled

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1 V, as in Victor, a-i-c-u-i-u-n-a-s.

2 MR. GEDEON: In Case PZ13-0066,
3 do you swear to tell the truth?

4 MR. VAICIUNAS: Yes. My wife and
5 I own the property at 2214 Austin Drive,
6 which is Lake Shawood, right next to
7 Walled Lake.

8 We have owned it for about
9 three years. The property itself is 40 by
10 100 feet.

11 On the property right now
12 there is a small cottage that's probably the
13 size of a two car garage. We are hoping to
14 demolish that garage and build a substantial
15 home on that property.

16 I understand the variances on
17 the property lines and all of that, but for
18 us to build a 30-foot wide home, we would
19 need to be within five feet of the borders,
20 and then with the overhang, within four feet
21 of either side of the borders.

22 That's essentially what we are
Page 63

23 asking for is a variance on the sides that we
24 can build a home this spring.

25 CHAIRPERSON KRIEGER: Very good.

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1 That's it?

2 MR. VAICIUNAS: Well, that's
3 pretty much it. I mean, unless I can
4 embellish it somehow.

5 CHAIRPERSON KRIEGER: Very good.
6 Anybody in the public that would like to
7 comment regarding this case.

8 If you could come up and spell
9 your name and be sworn in, if you're not an
10 attorney, at the podium.

11 MS. CAMERON: My name is Erin
12 Cameron. I live at 2280 Austin Drive, right
13 next-door. C-a-m-e-r-o-n.

14 MR. GEDEON: In Case PZ13-0066,
15 do you swear to tell the truth?

16 MS. CAMERON: Yes. Being right
17 next-door to Joe, I also have lived there for
18 a few years now, and the lots are so small in
19 that area. Only a handful of houses actually
20 have a decent size lot there, and with what
21 he's looking to do and the size of home he's
22 looking to build, that would obstruct my view
23 significantly, with the lake.

24 And the home that actually
25 sets on the opposite side of Joe, on the

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1 other side, they had built out, the way that
2 the homes are positioned around the lake,
3 they have built out far and actually put on a
4 huge deck, which I'm not exactly sure what
5 the ordinances are, and what you're allowed
6 to do, but from my understanding, it will be
7 a house that will be half way in between my
8 house, the edge of my house and the edge of
9 their home.

10 And the way that it would be,
11 even if you were to come over towards my
12 home, I would be looking at all house, out my
13 kitchen window, which is, you know, the whole
14 room is basically windows from the ceiling to
15 the floor. And it actually has windows on
16 the corner.

17 I have pictures just to kind
18 of show what I'm talking about.

19 But the closer the house would
20 be, and already going out towards the lake, I
21 would look out that window and basically look
22 at his house, which would effect, you know,
23 resale value. You know, I purchased this
24 home as an investment as well, so I live
25 there year-round. I think Joe purchased that

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1 home as an investment, and has never lived in
2 the home, so --

3 CHAIRPERSON KRIEGER: Do you have
4 pictures you said? You could put them on the
5 overhead.

6 MS. CAMERON: This is Joe's house
7 here. This is my garage actually. So there
8 is not much space in between, just right
9 here.

10 This is the kitchen that I'm
11 talking about, so with the house, I'm not
12 exactly sure how far exactly Joe's planning
13 to build out past my home. But with the
14 house that's on the other side of him, that
15 home is -- I mean, I don't know how many
16 feet, maybe 15 -- actually, Joe's house ends
17 and that house actually begins. It's a
18 significantly large number, maybe a 2,000
19 square foot house. So that house goes all
20 the way, you know, towards the lake. And
21 with that, I understand that Joe will be able
22 to build half way between.

23 But this is the kitchen, so
24 you can see right here on the edge, this is
25 the red deck that I'm talking about. That's

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1 the deck of the house that's actually on the
2 other side of Joe. Here is a better shot.

3 So that would be all house
4 from what I understand with what Joe is
5 looking to build. And the house itself, to
6 even have 30 feet when the lot is only
7 40 feet wide, it just -- for that area, it
8 just doesn't make sense to have that large of
9 a home. Our lot -- I think my lot is maybe
10 .13, so it's -- we are already on top of each

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other to begin with.
I don't know if that shows better. That's actually my deck. This is the house that's on the other side of Joe. Then their deck goes out further.

That's all I have to say.

CHAIRPERSON KRIEGER: Very good. Anybody else in the public have a comment regarding this case?

(No audible responses.)

CHAIRPERSON KRIEGER: Seeing none, Mr. Walsh?

MR. WALSH: Yes, just if there was a motion for any approvals, I would ask the board to make a condition that the roof

overhangs don't exceed 16 inches. And that the applicant provides gutters and downspouts. Thank you.

CHAIRPERSON KRIEGER: Member Gedeon, if you could read correspondence.

MR. GEDEON: In Case PZ13-0066, there were 27 notices mailed, seven returned mails, zero written approvals, zero written objections.

CHAIRPERSON KRIEGER: All right. Open it up to the board. Yes, go ahead.

MR. FERRELL: Could you put your picture back up, with the -- the one with the deck, the last picture. That one there.

MS. CAMERON: I've got it.

16 MR. FERRELL: Actually the one
17 you had up. So his property is between yours
18 and that building, the next house, you just
19 can't see in this picture?

20 MS. CAMERON: Correct.

21 MR. FERRELL: So you're saying
22 his house because you don't know if it's
23 going to be built past your deck?

24 MS. CAMERON: From what I
25 understand, it's going to be 10 feet past,

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1 but I could be wrong. Supposedly it's
2 supposed to be half way between the edge of
3 my home and the home that's on the other side
4 of him.

5 MR. FERRELL: So what's on the
6 other side that we can't see.

7 MS. CAMERON: On the other side
8 of my house?

9 MR. FERRELL: Yes.

10 MS. CAMERON: Just another house
11 that's like flush with my house almost.

12 MR. FERRELL: You would only be
13 obstructed to your right.

14 MS. CAMERON: On the right-hand
15 side, correct.

16 MR. FERRELL: Not the left?

17 MS. CAMERON: Correct.

18 MR. FERRELL: I was under the
19 impression that your house was tucked away in
20 the middle and these two houses were going to

21 131210.txt
come and block your side view.

22 MS. CAMERON: Nope. But the
23 way -- I don't know if I have a picture of
24 that. Well, kind of.

25 The way that the lot is, this

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1 edge right here, of this island. That's
2 pretty much -- that's the end of it right
3 there, at the end of my property basically is
4 where that ends. And the -- you know, come
5 springtime and summer, it's all trees. It's
6 all real flush right there.

7 So the only part of the lake
8 that you can really see is basically where
9 this edge right here is, then out to the
10 here.

11 MR. GHANNAM: If his house was
12 flush with your house, you wouldn't have a
13 problem with the view?

14 MS. CAMERON: Correct.

15 MR. FERRELL: You're just
16 concerned about it going -- extending past --

17 MS. CAMERON: Going past 10 feet
18 and coming towards me. Because the closer he
19 would get obviously it would obstruct my
20 view. Which I did a little bit of homework
21 just with the houses on the market and that
22 sold recently. And to not be on the lake is
23 like around 85 for a foot square, for a
24 really nice house, somewhere between 85 to
25 100.

1 And on the lake, homes that
2 are in relatively comparable condition to my
3 home sell right around 150 to 165 a square
4 foot.

5 So I mean, it would definitely
6 impact, you know, the value of the home to be
7 looking at a lot of houses, versus the lake.

8 Because the house that I have
9 I don't even want to show you a picture of
10 it. It's nothing special, you know, it's
11 very similar to Joe's house, but the lot is
12 everything, you know, right there.

13 MR. FERRELL: Okay. Thank you.

14 MR. GEDEON: I have a couple
15 questions for you, too.

16 You were just saying -- is
17 your house one of the original houses or is
18 yours a rebuild?

19 MS. CAMERON: I want to say
20 1940s, maybe, 1950s the home was built.

21 MR. GEDEON: Do you have -- do
22 you know the dimensions -- or the distance of
23 the back corner of your property to the
24 property line?

25 MS. CAMERON: No. I mean, I can

1 show -- these trees are on my property, and
2 this little patio set, this is Joe's
3 property. So it looks like he's trying to
4 come over to here, from what I understand.

5 But I don't know as far as
6 actual dimensions. I think my lot width is
7 only 39 feet.

8 MR. GEDEON: Just, you know,
9 trying to balance everybody's interests here.
10 Would you consider it to be fair if, you
11 know, his new house was as close to the
12 property line as your house is to the
13 property line?

14 MS. CAMERON: Wouldn't be
15 possible because my property line, like I
16 said, is to here. So he's looking to come --
17 the biggest thing is -- my concern is just
18 coming towards me and out to block my view,
19 that's really the main concern that I have.

20 So coming anywhere closer than
21 to be able to look out this window and not
22 just see house all the way to here. I guess
23 I'm trying to make sure that doesn't happen.

24 MR. GEDEON: Thank you.

25 MR. FERRELL: I have a question

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1 for the city. The setbacks that they're
2 requesting a variance for, the front yard
3 setback, is that the front of the property or
4 the lakeside of the property?

5 MR. WALSH: Lakeside.

6 MR. VAICIUNAS: Does everyone
7 have the plans that we have provided?

8 CHAIRPERSON KRIEGER: Yes.

9 MR. IBE: Just one quick

10 question.

11 Sir, based on the photograph
12 that your neighbor provided, I notice she's
13 been asking the question, seems to be a
14 question that only you can answer.

15 Will the property that you --
16 the new property that you're going to put up,
17 will it extend to the point about the deck
18 where she is concerned about? Would that
19 obstruct her view to the right?

20 MR. VAICIUNAS: It probably will
21 somewhat, but I'm building a house that is
22 inline with all the other homes that are up
23 the lake and up the street, all inline with
24 that. It's with -- considering the line of
25 site.

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86

1 She happens to be back a
2 little bit further compared to the other
3 homes in the neighborhood.

4 So the house that Erin is
5 showing in the pictures that is next to us,
6 we will be inline with that house. As the
7 house is next to that house is inline, so on
8 and so on.

9 MR. IBE: When you say you will
10 be inline, are you talking about the physical
11 building --

12 MR. VAICIUNAS: The face of it.

13 MR. IBE: The face of it.

14 MR. VAICIUNAS: Yes, the face

15 that faces the lake will be inline with
16 everything else, with every other house.

17 MR. IBE: Okay. Thank you, sir.

18 MR. GHANNAM: I just have a few
19 questions.

20 On the blueprints that you
21 gave us, your lot is obviously lot 88,
22 correct, the one in the middle? You have
23 that, the document you gave us?

24 MR. VAICIUNAS: 88, yes.

25 MR. GHANNAM: Your neighbor's lot

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1 here would be lot 89, correct?

2 MS. CAMERON: Yes.

3 MR. GHANNAM: The way I read
4 this, there is an existing layout of all the
5 structures, and then there is the proposed
6 layout that your house is to be built.

7 It looks like that --
8 forgetting about the deck for a second, but
9 the end of your house would be basically
10 inline with the house -- would be lot 87,
11 actually even slightly further back from the
12 lake, would that --

13 MR. VAICIUNAS: Yes, I would
14 agree with that, yes. If anything, a foot
15 back from the house that is 87, yes.

16 MR. GHANNAM: Obviously --

17 MR. VAICIUNAS: From the lake
18 that is.

19 MR. GHANNAM: Again, your deck
Page 73

20 would extend beyond that. I understand that.
21 That would n't really be an obstruction.

22 MR. VAICIUNAS: I understand
23 decks don't count when it comes to --

24 MR. GHANNAM: It terms of
25 obstruction, that would n't obstruct any views

88

1 the way you propose your deck?

2 MR. VAICIUNAS: I don't believe
3 so.

4 MR. GHANNAM: My general position
5 is I'm familiar with this area and lakefront
6 house, especially in Novi, they are smaller
7 lots, they are narrower lots.

8 Clearly, you know, the
9 proposed new house would be an improvement in
10 the neighborhood. I don't think there is any
11 question you need -- the question really
12 becomes what's appropriate under the
13 circumstances.

14 Clearly the way with these old
15 lots, the way they were designed or laid out,
16 I mean, it doesn't fit existing building
17 codes. You have to have -- again, the
18 question is how much.

19 Given the way from my
20 perspective your proposed structure is going
21 to be laid out, I think it's appropriate
22 under the circumstances. I know sometimes
23 they're close calls. I know there is -- like
24 your neighbor was objecting because of a

25 view.

89

1 Again, my position is under
2 the circumstances I think what you have
3 proposed is reasonable.

4 So I would be in support of
5 it. I'm very cognizant of your neighbor's
6 views, but, you know, I mean, I think this
7 would be an improvement.

8 Although from the angle I have
9 seen in these photographs, I don't think the
10 obstruction -- any house is going to be an
11 obstruction, so they can't object to that,
12 but in terms of how far it extends towards
13 the lake, I don't think the proposed house
14 would be as big of an obstruction or really
15 significant of an obstruction to prevent what
16 you are requesting.

17 So again I would be in favor
18 of it. Thank you.

19 CHAIRPERSON KRIEGER: Make a
20 motion?

21 MR. GHANNAM: If no one else is
22 prepared to, or if there is no other
23 discussion. Okay.

24 In Case PZ13-0066, I move to
25 approve the variances as requested by the

1 petitioner.

2 I think that the -- there are

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3 unique circumstances or physical conditions
4 of the property, such as the narrowness,
5 shallowness, shape, water, topography, and
6 other similar conditions.

7 The need for the variance is
8 not due to the applicant's personal or
9 economic difficulty.

10 The need is not self-created.
11 These lots existed prior to the purchase of
12 the home and have been in existence for quite
13 a while and clearly an improvement to the
14 property would necessitate some variances.

15 Strict compliance with the
16 regulations governing the area, setback,
17 frontage, height, et cetera, will
18 unreasonably prevent the property owner from
19 using the property for a permitted purpose,
20 and will render the conformity with those
21 regulations unnecessarily burdensome, again,
22 because of the narrowness of the lot, the
23 closeness to the water, as well as the
24 neighbors.

25 The requested variance is the

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1 minimum variance necessary to do substantial
2 justice to the applicant as well as other
3 property owners in the district, and the
4 requested variance would not cause an adverse
5 impact on surrounding property, property
6 values or the use and enjoyment of the
7 property in the neighborhood or zoning

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district.

In fact, I think it would improve the property values.

MR. SANGHVI: Second.

MR. GERBLICK: I would like to add to the motion, the additional requirements of the roof overhangs not to exceed 16 inches as well as the owner providing some sort of gutters on the facade of the building.

MR. GHANNAM: Sixteen inch maximum roof overhang, gutters and downspouts, I would agree to that amendment.

CHAIRPERSON KRIEGER: The seconder?

MR. SANGHVI: Second.

CHAIRPERSON KRIEGER: So we have a motion and a second.

Ms. Pawlowski, if you could call the roll.

MS. PAWLOWSKI: Member Ferrell?

MR. FERRELL: Yes.

MS. PAWLOWSKI: Member Gedeon?

MR. GEDEON: Yes.

MS. PAWLOWSKI: Member Gerbl ick?

MR. GERBLI CK: Yes.

MS. PAWLOWSKI: Member Ghannam?

MR. GHANNAM: Yes.

MS. PAWLOWSKI: Member I be?

MR. I BE: Yes.

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13 MS. PAWLOWSKI: Chairperson

14 Krieger?

15 CHAIRPERSON KRIEGER: Yes.

16 MS. PAWLOWSKI: Member Sanghvi?

17 MR. SANGHVI: Yes.

18 MS. PAWLOWSKI: Motion passes

19 seven to zero.

20 MR. VAICIUNAS: Thank you.

21 CHAIRPERSON KRIEGER: Thank you

22 very much. That leads us to other matters.

23 Any other matters?

24 (No audible responses.)

25 CHAIRPERSON KRIEGER: No other

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1 matters, a motion to adjourn then.

2 MR. IBE: I move to adjourn.

3 MR. SANGHVI: Before the motion

4 I'd like to wish everybody happy holidays,

5 the board and people at home.

6 CHAIRPERSON KRIEGER: Me, too. I

7 second that.

8 Motion to adjourn?

9 MR. GHANNAM: Second.

10 CHAIRPERSON KRIEGER: All in

11 favor say aye.

12 THE BOARD: Aye.

13 CHAIRPERSON KRIEGER: None

14 opposed.

15 (The meeting was adjourned at 8:35 p.m.)

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

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

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

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

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20
21
22

_____ Date

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