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REGULAR MEETING - ZONING BOARD OF APPEALS  
CITY OF NOVI  
December 9, 2014

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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 9, 2014

BOARD MEMBERS

- Brent Ferrell, Chairperson
- Mav Sanghvi
- David Ghannam
- Cynthia Gronachan
- Rickie Ibe
- Linda Krieger

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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Novi, Michigan.

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Tuesday, December 9, 2014  
7:00 p.m.  
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CHAIRPERSON FERRELL: Call to order the December 9, 2014 regular scheduled Meeting of the Zoning Board of Appeals. Everybody please rise for the Pledge of Allegiance led by Mr. Ghannam.  
(Pledge recited.)

CHAIRPERSON FERRELL:  
Ms. Pawlowski, can you call the roll, please.  
MS. PAWLOWSKI: Member Ghannam?  
MR. GHANNAM: Here.  
MS. PAWLOWSKI: Member Gronachan?  
MS. GRONACHAN: Here.  
MS. PAWLOWSKI: Member Ibe?  
MR. IBE: Present.  
MS. PAWLOWSKI: Member Krieger?  
MS. KRIEGER: Present.  
MS. PAWLOWSKI: Member Sanghvi?  
MR. SANGHVI: Here.  
MS. PAWLOWSKI: Chairperson Ferrell?

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CHAIRPERSON FERRELL: Here.  
This is a public hearing and rules of conduct, when you are called up, raise your right hand and be sworn in by the secretary, and state and spell your name for the reporter.  
We ask that any cellphones or pagers be turned off at this time.  
Approval of the agenda. Any additions or --  
MS. PAWLOWSKI: Yes, Case No. PZ14-0056 at 43741 West Oaks Drive has asked to be put on hold until they consider new information.  
MR. GHANNAM: You just want us to adjourn without a date, can we do that?  
MS. SAARELA: You can do that. It just has to be renoticed when they decide.  
MR. GHANNAM: I'll move to adjourn Case No. 5, PZ14-0056 without a date.  
MR. IBE: Second.  
CHAIRPERSON FERRELL: A motion and a second, all in favor say aye.  
THE BOARD: Aye.  
CHAIRPERSON FERRELL: Any

opposed?  
(No audible responses.)  
CHAIRPERSON FERRELL: Seeing

4 none, it's been tabled or rescheduled?  
5 MS. PAWLOWSKI: Just on hold for  
6 now.  
7 CHAIRPERSON FERRELL: On hold.  
8 Any other changes to the  
9 agenda?  
10 MS. PAWLOWSKI: No.  
11 MR. GHANNAM: I will move to  
12 approve the agenda as amended.  
13 MS. GRONACHAN: Second.  
14 CHAIRPERSON FERRELL: We have a  
15 motion and a second, all in favor say aye.  
16 THE BOARD: Aye.  
17 CHAIRPERSON FERRELL: Any  
18 opposed?  
19 (No audible responses.)  
20 CHAIRPERSON FERRELL: Seeing none  
21 we have an agenda.  
22 Onto the minutes. Any changes  
23 or additions to those?  
24 (No audible responses.)  
25 CHAIRPERSON FERRELL: Hear a  
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1 motion?  
2 MR. SANGHVI: So moved.  
3 MS. GRONACHAN: Second.  
4 CHAIRPERSON FERRELL: Motion and  
5 a second, all in favor say aye.  
6 THE BOARD: Aye.  
7 CHAIRPERSON FERRELL: Any  
8 opposed?  
9 (No audible responses.)  
10 CHAIRPERSON FERRELL: Seeing  
11 none. Approval of the minutes.  
12 Public remarks. Down to Case  
13 No. PZ14-0051 -- any public remarks to any  
14 cases that are not being heard this evening,  
15 anybody like to address the board?  
16 Seeing none, moving onto the  
17 first case, PZ14-0051, 45065 Nine Mile Road.  
18 Please come up to the podium.  
19 Raise your right hand and be  
20 sworn in by the secretary.  
21 State and spell your name for  
22 the reporter.  
23 MS. CERGET: Stacey Cerget,  
24 C-e-r-g-e-t.  
25 MR. GHANNAM: Raise your right

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1 hand. Do you solemnly swear or affirm to  
2 tell the truth in this case?  
3 MS. CERGET: I do.  
4 MR. GHANNAM: Please proceed.  
5 MS. CERGET: May I present some

6 pictures to the board.  
7 CHAIRPERSON FERRELL: Yes.  
8 MS. CERGET: Good evening. As  
9 you may recall, some of you weren't here at  
10 the last meeting, when we were here at the  
11 last meeting and one of the items of  
12 contention was that they didn't understand  
13 what type of van we were trying to enclose  
14 into the structure that we are proposing on  
15 this site.

16 So what I have in front of you  
17 today is a copy of the van, that would be a  
18 passenger van for residential purposes, not  
19 for commercial purposes.

20 Additionally, we attached  
21 pictures of the site so you see how depressed  
22 that portion of the site is.

23 In the back corner of the  
24 site, as you can see on picture two, there is  
25 a brick wall, which is four feet high with a

0008 gate fencing on top of it, which is an  
1 additional four feet high.

3 So that the height of the  
4 structure wouldn't be more than the five feet  
5 above the top of that fence.

6 And then you can see the  
7 adjacent property behind it, which is an  
8 additional six feet higher to their garage  
9 floor from our site.

10 Then the next picture you can  
11 see what it would look like from the street  
12 in the following two pictures, so you would  
13 see the garage structure would be  
14 substantially lower than the average grade of  
15 the house.

16 Then the last picture is a  
17 picture standing from the garage of the house  
18 behind the property looking down on it.

19 The structure specifically is  
20 designed to be compatible with the house, so  
21 it will be limestone and brick, it will be  
22 very pretty.

23 The inside of the van, which I  
24 wasn't able to get pictures to you all, has  
25 passenger seating just like you would see in

0009 a regular van. I have that brochure here as  
1 well.

3 CHAIRPERSON FERRELL: Thank you.  
4 Anybody in the audience have comments about  
5 this case? Please come down.

6 (No audible responses.)

7 CHAIRPERSON FERRELL: Seeing

8 none, open it up the city. Did you have  
9 comments or anything like to add?  
10 MR. WALSH: No comments at this  
11 time.  
12 CHAIRPERSON FERRELL: Open it up  
13 to the board for discussion.  
14 MR. GHANNAM: I have got some  
15 questions for you, ma'am.  
16 Remind me, how tall is this  
17 van?  
18 MS. CERGET: How tall is the --  
19 MR. GHANNAM: How high is this  
20 the van off the ground, like the roof of this  
21 van?  
22 MS. CERGET: Ten feet. It's  
23 about 10 feet. I have got the specs.  
24 MR. GHANNAM: It's a 10-foot van?  
25 MS. CERGET: It's 144 inches,

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1 excuse me, it's 12 feet to the top of the air  
2 conditioning unit.  
3 The current garage structure  
4 only has eight foot garage doors, hence the  
5 reason for the variance. It wouldn't fit in  
6 the existing garage structure.  
7 MR. GHANNAM: If you're -- I  
8 guess for the city, if they're entitled to a  
9 14-foot high garage by right, how high is the  
10 average garage, like the entrance? Is that  
11 eight foot --  
12 MR. WALSH: It's approximately  
13 seven feet.  
14 MR. GHANNAM: I'm just trying to  
15 figure out, ma'am, I had an issue with this  
16 last time. I get that you have a big van and  
17 you want to garage it. I mean, it only makes  
18 sense.  
19 I guess the question becomes  
20 what conditions of this particular property  
21 prevent you using it for its purpose,  
22 residential?  
23 MS. CERGET: The existing garage  
24 structure isn't designed to accommodate this  
25 type of vehicle. So that's why we're

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1 building a proposed accessory structure and  
2 then there is the height limitation on the  
3 accessory structure.  
4 MR. GHANNAM: That I understand.  
5 The question becomes how can -- how does your  
6 current premises, how are you unable to use  
7 it without a standard garage?  
8 MS. CERGET: Well, the garage  
9 would have a flat roof with this design and

10 this type of -- this type of a garage.

11 MR. GHANNAM: It would have to  
12 have --

13 MS. CERGET: It would have to  
14 have a flat roof in order to accommodate  
15 trusses above the garage. That's why we  
16 wanted to keep the property and the design of  
17 the structure, in the same characteristic of  
18 the style of the house, so that the garage  
19 doesn't stand out, and with that we had to  
20 put a peak on the structure.

21 And when you put the peak on  
22 the structure, it exceeds the height  
23 limitation.

24 MR. GHANNAM: Some of the  
25 standards that we have to go through, such is

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1 the need for what you're requesting this  
2 variance, is it self-created.

3 You know what I mean, you can  
4 always buy a smaller van, I know you my not  
5 necessarily want one, but one that fits in a  
6 normal garage. One of them says, are there  
7 unique circumstances of the property that  
8 prevent you from using it for its intended  
9 purpose. It's a residential place.

10 MS. CERGET: The characteristics  
11 of the property would be that the grade  
12 differential on the property is so  
13 dramatically different from one side to the  
14 other, which would actually limit the actual  
15 appearance of the variance, so because the  
16 structure is so far set into the ground and  
17 behind the building, it would look like a six  
18 foot garage from the street.

19 MR. GHANNAM: I understood that  
20 argument before, but that grading does not  
21 prevent you from using this property for its  
22 intended purpose, which is residential.

23 MS. CERGET: Right, it does not.

24 MR. GHANNAM: Those are the  
25 issues I'm having with this.

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1 From the first picture that  
2 you showed us, it does not look excessive. I  
3 mean, it looks like a full size van, when I  
4 see the pictures that were given to us as  
5 part of our packet, and it's shown on a  
6 parking lot with a lot of snow and so forth,  
7 it does -- I mean, it looks like a bus is  
8 what it looks like.

9 MS. CERGET: It's just taller so  
10 that there is more height inside of the  
11 vehicle.

12 MR. GHANNAM: I am still having a  
13 problem with it. I don't have any other  
14 questions for you. Thank you.

15 CHAIRPERSON FERRELL: Anybody  
16 else?

17 MR. SANGHVI: Thank you, Mr.  
18 Chair. I think this particular case is  
19 raising a very interesting question.

20 Does the city have a right to  
21 tell a citizen what kind of vehicle he or she  
22 should own.

23 A, the question is the  
24 question of a freedom, freedom granted by the  
25 Constitution of the United States of America,

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1 whether they should own certain property or a  
2 certain vehicle or not, is the the issue.

3 The second issue is, in  
4 Michigan weather, I think it is almost  
5 obligatory to have a garage if you can afford  
6 to have one to put your vehicle inside.

7 And when we are debating this  
8 particular case, the other fundamental issue,  
9 which has been very well recognized in at  
10 least the British form of government, that  
11 every man's home is his or her castle.

12 And so long as they are not  
13 interfering with anybody else, they can do  
14 what they like within their own house and  
15 their own property.

16 And I think we need to be very  
17 careful when we start infringing on people's  
18 rights to do what freedom has already been  
19 granted by the freedoms.

20 And I know this is a problem  
21 and it doesn't comply with the city  
22 ordinance, but this is the kind of dilemma I  
23 have, what comes first, the freedom or the  
24 city ordinance and the height for a garage.

25 And if I had to choose between  
0015  
1 the two, my choice will always be in favor of  
2 freedom.

3 Thank you.

4 CHAIRPERSON FERRELL: Thank you.  
5 Anybody else?

6 MR. IBE: Thank you, Mr. Chair.  
7 I wasn't here last month, but I have had an  
8 opportunity to look at this.

9 I have heard what's been said  
10 in terms of other members here regarding this  
11 particular issue.

12 With all due respect to Member  
13 Sanghvi, I am a freedom and constitutional

14 kind of person, but there are limitations to  
15 everything in life.

16 The reason why we have laws,  
17 statutes, ordinances, subdivision association  
18 bylaws, is because of the fact that we know  
19 that, yes, we all have private rights to  
20 enjoy our properties, however, we don't have  
21 unlimited rights to do as we so desire.

22 The fact that I own my  
23 property in my subdivision doesn't guarantee  
24 me the right to buy a semi truck and then  
25 park it there, well, you know what, I want a

0016 trailer, I can park it anywhere I want.

1 Obviously it's my right, but  
2 if it infringes on the rights of other people  
3 in my subdivision, does that mean that people  
4 in my subdivision who protest about that,  
5 does that mean I'm against freedom?  
6 Absolutely not. It just simply means that we  
7 need, in order to function in a society, must  
8 abide by certain rules and regulations.

9 I look at the picture, what I  
10 see is not a van. I see a commercial bus.

11 Now, be it as it may that it  
12 is your prerogative to buy whatever motor  
13 vehicle that you desire.

14 If I look at the city  
15 ordinance and I see what is required, the  
16 standards for granting this kind of stuff,  
17 what you are asking for is practical  
18 difficulty.

19 I mean, Member Ghannam has  
20 raised the question, is this self-created.

21 When something is self-created  
22 it means that there are alternatives. In  
23 other words, could you do without this.  
24 Well, the answer is yes, but, of course, you

0017 chose to deal with what you have, which is  
1 very okay to me as well.

2 However, the city ordinance  
3 calls for a certain standard in terms of what  
4 a garage should look like and what a garage  
5 should be.

6 I think that this particular  
7 application that you have written for us is  
8 self-created.

9 And that which is self-lorn  
10 makes it difficult to fit under the standards  
11 to approve.

12 Can the property be used for  
13 the intended purpose even if we don't grant  
14 the variance, the answer is also yes.  
15



16                               So I'm not sure you have,  
17 based on what I have seen so far,  
18 demonstrated sufficient evidence to me that  
19 your application merits the exception to the  
20 rule.

21                               The rule being what the  
22 ordinance is and we have created an exception  
23 to that rule specifically for your purpose.  
24 I don't see that.

25                               It's not a question of me not  
0018 infringing on your freedom or the freedom of  
1 Member Sanghvi or anyone else out there,  
2 absolutely not.  
3

4                               I have believe that we should  
5 have private rights and I respect private  
6 property. And we also respect the  
7 constitution, but this is not a  
8 constitutional question at all, not even  
9 close.

10                              Right now, if I were to vote,  
11 unless I heard from one of the members that  
12 convince me otherwise, based on the evidence  
13 that you have, and I have reviewed this, I  
14 have driven by your property, and I drive by  
15 it virtually maybe once a day because I go  
16 through that way, I certainly would not be in  
17 favor of this. Because this is not a  
18 commercial property. It is a commercial  
19 bus. This is not a van. It is certainly not  
20 a van.

21                              If it was meant to be a van,  
22 it would fit in a regular size garage.  
23 Commercial buses are not meant to fit into  
24 regular size garage. Maybe a commercial  
25 garage would fit this.

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1                              What you are asking for  
2 probably falls under that auspices of a  
3 commercial garage, not for a residential  
4 garage.

5                              Therefore, Mr. Chair, unless  
6 there are other things that the members can  
7 show me, I certainly would not be in approval  
8 of this. Thank you.

9                              CHAIRPERSON FERRELL: Thank you.  
10 Anybody else on the board?

11                              MS. KRIEGER: Considering the  
12 previous speakers, I agree that it's  
13 self-created, but also in the past there was  
14 an issue about -- on Nine Mile and  
15 Meadowbrook in that subdivision there was a  
16 person that made a half basketball court, and  
17 here are the people that were able to speak,

18 I didn't hear the neighbors complaining or  
19 issuing concerns, and the -- being through  
20 the discussion that the building, when it is  
21 completed, will blend into the property, and  
22 not be an eyesore, so considering all the  
23 previous information, I'm having less  
24 difficulty in agreeing that could -- that  
25 this petitioner could have their request.

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1 That's it.

2 CHAIRPERSON FERRELL: Thank you.  
3 Anybody else?

4 MS. GRONACHAN: I'm the last one.  
5 First of all, I would like to thank the  
6 petitioner and his representative for doing  
7 his homework.

8 You did exactly what I  
9 requested and it clarified the pictures --  
10 bringing the pictures, bringing the  
11 additional information, although it doesn't  
12 sound like it right this minute, but it does  
13 clarify the issues that we had last month.

14 I'm on the fence about this.  
15 I take it back to the city because I think  
16 that the ordinance needs to get changed. The  
17 world is not going to stop making bigger  
18 vans.

19 And just because I do side  
20 with Member Ghannam and Member Ibe in regards  
21 to this doesn't fit with what we are required  
22 to do as a zoning board.

23 And so -- but again, I agree  
24 with what -- where I just went blank --  
25 Linda, where we can't base our decisions on

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1 emotion. We are the zoning board. And the  
2 truth that it does not fit the criteria for a  
3 variance.

4 So I do -- I do have a  
5 question for Mr. Walsh.

6 I kind of touched on this last  
7 month. I still say that is there something  
8 to the ordinance -- to the ordinance review  
9 board when cases like this come up, and there  
10 is a change out there in the marketplace for  
11 this van.

12 I'm not convinced that this is  
13 a commercial vehicle, that it's for  
14 commercial use, not that it couldn't be,  
15 and -- but is there something with the  
16 ordinance review board that they should look  
17 at to address that there is a market out  
18 there and that we are going to be hearing  
19 about bigger garages?

20

MR. WALSH: It's something we can bring up in front of the review board.

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Also, if you look at this site, it's a very large site, there is alternatives that are provided on this site. This applicant could add an addition to his

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garage and make the overhead doors comply to what he needs, and there wouldn't be a height requirement, because then it would fall under the building heights for the home.

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He could go up to I believe it's 25 feet to the mid point.

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7

So there is some alternatives if he puts an addition onto his garage in the back, that would comply with the ordinance.

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MS. GRONACHAN: That sheds a lot of light. Thank you.

12

13

Based on that information, I would not be in support of this request.

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And I'm making that decision based on the testimony given both by Member Ghannam and by Member Ibe, and clearly that this does not meet the requirements for a request of this kind of variance.

19

Thank you.

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CHAIRPERSON FERRELL: Thank you. Anybody else?

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Before I entertain a motion, Mr. Secretary, if you can read any correspondence.

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mailed notices, one return mail, zero approvals, and zero objections.

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CHAIRPERSON FERRELL: Entertain a motion, if somebody is ready.

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MR. GHANNAM: I will make a motion. In Item One, Case No. PZ14-0051 for 45605 Nine Mile Road, I move that we deny the petition as requested.

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There are not any circumstances or physical conditions of the property, such as narrowness, shallowness and so forth.

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The need for the variance is due to the applicant's personal or economic difficulty. I believe the need is self-created. I believe that there should be no problem with strict compliance of that existing regulation governing the garage height issue.

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There is suggested there are alternatives in terms of adding onto the

22 house and getting pretty much exactly what  
23 the petitioner wants.  
24 I believe the requested  
25 variance will not do substantial justice to  
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1 applicant or the property owners in the  
2 district and the requested variance will  
3 cause an adverse impact on surrounding  
4 property, property values and the use and  
5 enjoyment of the property in the neighborhood  
6 or zoning district.  
7 MS. GRONACHAN: Second.  
8 CHAIRPERSON FERRELL: Motion and  
9 a second --  
10 AUDIENCE MEMBER: Can I say  
11 something?  
12 CHAIRPERSON FERRELL: No, you  
13 cannot. You are out of order, sorry.  
14 Motion and a second, any  
15 further discussion?  
16 (No audible responses.)  
17 CHAIRPERSON FERRELL:  
18 Ms. Pawlowski, can you call  
19 the roll, please.  
20 MS. PAWLOWSKI: Member Ghannam?  
21 MR. GHANNAM: Yes.  
22 MS. PAWLOWSKI: Member Gronachan?  
23 MS. GRONACHAN: Yes.  
24 MS. PAWLOWSKI: Member Ibe?  
25 MR. IBE: Yes.  
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1 MS. PAWLOWSKI: Member Krieger?  
2 MS. KRIEGER: Yes.  
3 MS. PAWLOWSKI: Member Sanghvi?  
4 MR. SANGHVI: No.  
5 MS. PAWLOWSKI: Chairperson  
6 Ferrell?  
7 CHAIRPERSON FERRELL: Yes.  
8 MS. PAWLOWSKI: Motion passes  
9 five to one.  
10 CHAIRPERSON FERRELL: Moving on  
11 to Case No. PZ14-0045, 43977 Durson Street.  
12 Please come up and be sworn in.  
13 Raise your right hand, state  
14 and spell your name for the reporter over  
15 here.  
16 MR. GHANNAM: Will both of you be  
17 speaking?  
18 MR. MCKINNON: Yes.  
19 MR. GHANNAM: Both of you raise  
20 your right hands and be sworn.  
21 Do you solemnly swear or  
22 affirm to tell the truth in this case?  
23 MR. MCKINNON: Yes.

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MR. SAFERIAN: Yes.  
MR. GHANNAM: Each of you state

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your name and spell it for our court reporter.

MR. MCKINNON: William Shane McKinnon, M-c-k-i-n-n-o-n.

MR. SAFERIAN: Rich Saferian, S-a-f-e-r-i-a-n.

MR. GHANNAM: You can proceed.

MR. SAFERIAN: I'll start out by what -- Chuck needs -- Chuck is a friend of mine, and I'm also going to be the contractor, if things are approved for him.

We are asking to build a seven foot addition on the side of his house that would come within one foot of his lot line. Proceeding that right now, his house is located in 12-foot -- like four inches away is a fence which backs up to the CVS pharmacy, tree line, there is a big long fence along that area there and I think we showed -- gave you guys a picture of the lot line there.

MR. MCKINNON: There is a berm there, too.

MR. SAFERIAN: There is a berm behind there, too. There should never be

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anything added on in that side of the house there.

Once this addition is extended out, there would still be five feet of open property from Chuck's home to the existing fence line of CVS, the back of CVS parking.

And the reason for the addition is for his sister's daughter, his sister had major health problems and the daughter is mentally impaired and Chuck and the other brother are now going to take custody and kind of switch back and forth, so their home only has one bathroom, and it's not accessible. That would be helpful when she comes there and stays with -- her time to have access to have a bathroom that would be useful.

I think that's -- we will be happy with questions. We kind of don't know the whole process.

CHAIRPERSON FERRELL: Thank you. Does anybody in the audience have any questions or comments about that case?

(No audible responses.)

CHAIRPERSON FERRELL: Seeing

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1 none, any correspondence?

2 MR. GHANNAM: We had 16 mailed  
3 notices, zero returns, zero approvals, zero  
4 objections.

5 CHAIRPERSON FERRELL: Anything  
6 from the city?

7 MR. WALSH: No comments.

8 CHAIRPERSON FERRELL: Open it up  
9 to the board for discussion.

10 MR. SANGHVI: Thank you,  
11 Mr. Chair. I did come and visit your place  
12 yesterday and looked around.

13 And I also have gone through  
14 your application. And empathize with your  
15 problem.

16 As far as I'm concerned it is  
17 a hardship. And I think these kind of  
18 hardships are going to be more and more  
19 visible as the property ages and people are  
20 going to need on ground floor bedrooms and  
21 other facilities, if they want to stay -- and  
22 then they will become old and disabled.

23 So I have no difficulty in  
24 supporting your application. Thank you.

25 CHAIRPERSON FERRELL: Anybody

0029

1 else?

2 MS. GRONACHAN: Thank you,  
3 Mr. Chair. I have a question for you again.

4 I too empathize with your  
5 current situation. Most difficult.

6 Help me out, is there a way  
7 to -- let me ask the question this way.

8 As opposed to coming to the  
9 side of putting the addition, why not off the  
10 back?

11 MR. MCKINNON: Well, there is a  
12 deck on the back and two huge trees that  
13 would kind of stop that.

14 The major removal of the trees  
15 and there is a deck running all across the  
16 back of the house.

17 And that space, you know, I  
18 believe you have the pictures, there isn't  
19 anything there that -- you know, the berm is  
20 very high, nobody would -- it's going to  
21 match the roof line, so I don't see, you  
22 know, why that wouldn't be the ideal place to  
23 put that there.

24 MR. SAFERIAN: We originally  
25 wanted to even -- think about going up, but

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1 both Chuck and his wife would not even be

2 able to use the upstairs, and obviously, you  
3 know, they could then have -- the bathroom  
4 downstairs is for everyone. It's not off a  
5 bedroom or nothing.

6 So I even priced an elevator  
7 to see what it would cost to do it, and it  
8 just got very unreasonable and pricey to even  
9 think about putting an elevator in this one  
10 story house to get Chuck and his wife up to  
11 like an upstairs bedroom or something, that  
12 would be --

13 MR. MCKINNON: Expensive.

14 MR. SAFERIAN: It got really --

15 MS. GRONACHAN: How close to the  
16 trees -- to trees that he's talking about in  
17 the back? How close would that be?

18 MR. MCKINNON: Very close. The  
19 two big trees on the east side are, you know,  
20 three feet and seven feet.

21 MS. GRONACHAN: Thank you,  
22 Mr. Chair.

23 CHAIRPERSON FERRELL: Thank you.  
24 Anybody else have any --

25 MR. GHANNAM: I have some

0031

1 questions for the city.

2 I'm getting my math messed up  
3 a little bit. It says that the required  
4 sideyard setback is 10 foot, correct?

5 MR. WALSH: That is correct.

6 MR. GHANNAM: This proposed  
7 addition would only give them a one foot  
8 side. I mean, that would be one foot from  
9 the lot line, am I getting that right?

10 MR. WALSH: That's right, they're  
11 asking to be one foot off the lot line.

12 MR. SAFERIAN: Right now we're  
13 eight.

14 MR. GHANNAM: So they're even in  
15 violation of that at this point?

16 MR. WALSH: That's correct.

17 MR. GHANNAM: Did they receive a  
18 prior variance for that?

19 MR. WALSH: No. There is no  
20 history.

21 MR. SAFERIAN: That's from the  
22 original house being built. So it was  
23 whatever year.

24 MR. GHANNAM: It may have been  
25 compliance with the year it was built, it was

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1 changed since maybe.

2 Is there any safety concerns  
3 with going one foot from the lot line? I

4 don't know --  
5 MR. WALSH: Yeah. We have looked  
6 at it. I have met with the applicant a  
7 couple of times on this.  
8 Looking at the floor plan they  
9 reduced it, they were actually off the lot  
10 line when they first submitted it and they  
11 brought it back to the lot line.  
12 If you looked at the bedroom,  
13 you can see you can barely just get by from  
14 the bed, to the dresser in the room, so they  
15 have minimized their request.

16 We talked about the  
17 construction to be a trench footing, where  
18 you just kind of built like a garage, where  
19 you do a trench, so there will be spread  
20 footings, they pour an extra deep footing and  
21 then just build up from there.

22 So it can be done. Something  
23 that we don't like to have that close to the  
24 lot line, but due to what they're trying to  
25 achieve here, it was the best way we could

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1 achieve that.

2 MR. GHANNAM: There is one  
3 photograph of that one side of the house  
4 where they propose the addition and there is  
5 obviously a fence there. If they're one foot  
6 from the fence, there is not a whole lot of  
7 access you have to that side of the house.

8 MR. WALSH: If you look at the  
9 site plan, that's where it gets kind of  
10 deceiving, where the fence is located, it's  
11 approximately 6.25 from the lot line.

12 So the addition will be an  
13 additional foot, so like seven and a half  
14 feet from the fence line.

15 MR. GHANNAM: I'm not following  
16 that. So is the fence not on the lot line?

17 MR. WALSH: That is correct.

18 MS. GRONACHAN: So the fence is  
19 coming down?

20 MR. IBE: Whose fence is it?

21 MR. SAFERIAN: The fence was  
22 probably put up by CVS. It runs the whole  
23 side of that street because it's-- you know,  
24 it's dead end, so from the existing house  
25 right now to the fence is -- at one side it's

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1 like twelve two and the other side it's like  
2 twelve eight in the back. So we are asking  
3 for seven.

4 So Chuck for all these years  
5 has been maintaining that property as his own



6 property anyway because nobody ever comes  
7 back there and, you know, cuts the lawn, does  
8 any cleanup or does anything. So even after  
9 the addition is built, there is still going  
10 to be five foot plus -- closest five to six  
11 foot between the new addition and the fence  
12 line that's there right now.

13 So Chuck will continue to  
14 maintain that property also, even though it's  
15 not as --

16 MR. GHANNAM: So whoever put up  
17 that fence, put it on their own -- like a few  
18 feet onto their own property as opposed to on  
19 the lot line.

20 To me, it just looks like --  
21 to be honest, it looks a little bit unusual.

22 Now I understand there will be  
23 at least some room there. If you only have  
24 one foot, if you have to do any maintenance  
25 or access to the roof, or anything you would

0035  
1 literally --

2 MR. SAFERIAN: We have over five  
3 and we even eliminated a window on that side.  
4 Originally we had a window on that side,  
5 which I think the code -- Tom, if I'm right,  
6 you need like three feet, you know, in front  
7 of the window, if you had to maintain it or  
8 somebody had to come out, so that side of the  
9 wall now has no window in it.

10 We eliminated the window in  
11 the bedroom on that fence side of the  
12 addition.

13 MR. GHANNAM: Why can't you build  
14 on the other side away from the fence, where  
15 the garage would be and the driveway?

16 MR. SAFERIAN: Well, the garage  
17 is attached so it would be on the other side  
18 of the garage, which wouldn't even be  
19 attached to the home.

20 MR. GHANNAM: Isn't the garage  
21 behind the --

22 MR. SAFERIAN: No, it's an  
23 attached garage.

24 MR. GHANNAM: It is an attached  
25 garage. There is no room on that side that

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1 would make it logical to build on that side  
2 of the house.

3 MR. SAFERIAN: No, because it  
4 would have -- I don't even know if you have  
5 room to do that, but it would have to be  
6 built on the other side of the garage, so it  
7 wouldn't be even attached. It wouldn't be

8 even attached to the home at that point.  
9 MR. MCKINNON: You would have  
10 water probably and --  
11 MR. GHANNAM: That entire parcel,  
12 I guess it would be to your -- if I got my  
13 bearings straight, maybe to your east, that's  
14 the -- so you said, CVS --  
15 MR. MCKINNON: Yes.  
16 MR. GHANNAM: That's to your  
17 east?  
18 MR. MCKINNON: Yes.  
19 MR. GHANNAM: Did I get that  
20 right?  
21 MR. SAFERIAN: I'm trying to get  
22 my location right. It's his home, so --  
23 MS. GRONACHAN: No, it would be  
24 to the north.  
25 MR. GHANNAM: I'm looking at the  
0037

1 map.  
2 MR. WALSH: It would be to the  
3 east.  
4 MR. GHANNAM: East, okay.  
5 MS. KRIEGER: Have you looked at  
6 the garage's living space and creating a new  
7 garage?  
8 MR. MCKINNON: Not really. I'd  
9 have the bathroom problem then.  
10 MR. SAFERIAN: He's got a very  
11 difficult thing with the plumbing in that  
12 house, too, because the plumbing is -- the  
13 only place to pick up the plumbing is where  
14 that existing bathroom in that plan.  
15 The house is built on a slab,  
16 so there is no basement. So it's an  
17 underground where you would have to pick up  
18 the new bathroom right off the other  
19 bathroom, to pick up the new bathroom.  
20 And it kind of shoots -- we  
21 are not for sure exactly how it does, but we  
22 think it kind of runs right -- like comes  
23 right in the middle of the house, then shoots  
24 left through the front room towards that  
25 existing bathroom and the existing bedroom.

0038  
1 So it's not like a normal  
2 thing like a -- when we have a basement, and  
3 there is plumbing and we can kind of jockey  
4 the position.  
5 There is only a couple of  
6 spots we can pick up that bathroom and that  
7 was the best plan I could come up with to do  
8 it.

9 As far as doing -- answering

10 your question, I don't think there is enough  
11 room on the right side of his property, so  
12 when you pull in, you're looking at the front  
13 of his house, driveway comes in and that's  
14 the existing garage. Then the house is all  
15 the way to the left.

16 If we turn that into living  
17 space, that garage is to the left, I don't  
18 think that would fit into the property and  
19 then you obviously couldn't put it behind  
20 here because we would be going through the  
21 new living space of the garage.

22 MR. GHANNAM: This is the -- I  
23 mean, there is no lesser proposal you can  
24 make in terms of a small square footage, more  
25 away from the lot line that would make sense

0039

1 for him?

2 MR. SAFERIAN: I mean, that's as  
3 small as you could get to get a new bathroom  
4 in there.

5 MR. MCKINNON: The bedroom and  
6 bathroom would be, you know, so small, we  
7 couldn't move around.

8 MR. GHANNAM: Is that all that's  
9 going to be there, a bedroom and a bathroom?

10 MS. CERGET: Basically it's being  
11 done to add the new bathroom to the existing  
12 bedroom, but made it a little bit bigger.

13 So now the bedroom -- the  
14 bathroom will be in the old bedroom versus,  
15 so really all we are doing is adding on to  
16 get that bathroom in basically.

17 And then the other space was  
18 just used as -- the back side of that was  
19 just a closet space just for off the other  
20 room.

21 The other room was used as an  
22 office before now that's going to be their  
23 new bedroom.

24 MR. GHANNAM: Thank you.

25 CHAIRPERSON FERRELL: Any other

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1 discussion?

2 MR. IBE: Maybe for the city.  
3 Has the fire marshal, have they been notified  
4 about this? This proposed addition.

5 MR. WALSH: The answer is yes.  
6 They didn't have a concern with it.

7 MR. IBE: They did not?

8 MR. WALSH: They did not.

9 MR. IBE: They know better than  
10 we do. But certainly I don't see how they  
11 can get around this property from that side,

12 in case of any kind of emergency because  
13 there is a fence right there.

14 MR. WALSH: They have -- they can  
15 fight the fire from the other side.

16 MR. SAFERIAN: And there is room  
17 to get through there on -- even after the  
18 addition is built, there is still going to  
19 be -- you know, from that hole to right here,  
20 right alongside the existing fence, the  
21 column is here, you're still going to have  
22 all this room that's still there, that Chuck  
23 maintains for -- basically, or CVS and then  
24 some other people down, you know, across the  
25 street, there is only one other house across

0041

1 the street, but that fence runs through a  
2 couple streets, goes all the way down.

3 A fireman could get through  
4 both sides of the house to that fire.

5 MR. GHANNAM: I will be honest,  
6 ordinarily this is not something I would be  
7 in favor of. The difference here, it's not  
8 just the fence being away -- further away  
9 from our lot line, but it is that big CVS  
10 lot, that's a huge lot, and realistically, I  
11 mean, it's not like you have residential  
12 neighbors. That would be very unusual. I  
13 mean, you would be staring at them all night.

14 MR. SAFERIAN: There is a big  
15 berm there, so you can't even see CVS from  
16 there. You would have to get on a ladder  
17 to --

18 MR. GHANNAM: I understand. I  
19 mean, you are right on the border of your sub  
20 facing a commercial building. So I will be  
21 honest, it does make a little bit more sense  
22 here.

23 MR. SAFERIAN: With a ton of  
24 large trees, so that whole fence line on the  
25 other side of the fence line is just large

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1 trees all the way down that whole strip.

2 MR. GHANNAM: Thank you.

3 CHAIRPERSON FERRELL: Any other  
4 discussion? Hear a motion.

5 MR. IBE: I will take it.

6 Thank you, Mr. Chair. In Case  
7 Number PZ14-0045, I move that we grant the  
8 applicant's request based on the comments  
9 made by the applicant as well as the  
10 information contained in the application  
11 submitted by the applicant.

12 There are sufficient reasons  
13 to grant the request and the applicant has

14 met the practical difficulty elements that  
15 are required in order to merit a grant here.

16 And I therefore move for the  
17 following reasons that we grant, one, that  
18 there is unique circumstance or physical  
19 conditions of the property itself, such as  
20 the narrowness and the topography that  
21 warrants discretion here for in favor of the  
22 applicant. And the need is not self-created.

23 Unfortunately, the applicant  
24 has stated to us the unique family situation  
25 they are presented with. Which obviously no

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1 one ever envisions or prays for, however,  
2 that is what nature brings sometimes. And we  
3 have to take care of our own and our family.  
4 And be it as it may, this applicant is  
5 willing to make some adjustments to their  
6 living arrangements to accommodate that  
7 hardship. That by itself, I applaud.

8 Third, strict compliance with  
9 the regulations governing the area structure  
10 of the setback and frontage, will  
11 unreasonably prevent the property owner from  
12 using the property for the permitted purpose,  
13 for what it's intended for. And will render  
14 conformity of those regulations unnecessary  
15 and burdensome to this particular applicant.

16 Fourth, the requested variance  
17 is the minimum variance that is necessary to  
18 do substantial justice to the applicant as  
19 well as property -- surrounding property in  
20 the district.

21 And lastly the requested  
22 variance will not cause any adverse impact on  
23 surrounding property owners or diminish the  
24 value of the property in the area or the  
25 quiet enjoyment of other properties in the

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1 area.

2 Now, the applicant has clearly  
3 stated here about CVS being their neighbor,  
4 this is not residential homes around this  
5 place that will be impacted by this new  
6 addition, and since no one, obviously the  
7 notice has been sent out, there was no  
8 objection, there were no approvals made, so  
9 in the absence of any objections, that means  
10 it is okay.

11 And also the city has stated  
12 that the fire marshal has reviewed this  
13 application and has no problem with it,  
14 therefore, based on the cumulative  
15 information that has been presented by the

16 applicant, the discussion here by members, as  
17 well as the input given by the city, I move  
18 that we grant the application as requested.

19 MS. KRIEGER: Second.

20 CHAIRPERSON FERRELL: Motion and  
21 a second, any further discussion?

22 MS. SAARELA: I just suggest  
23 adding some of the physical characteristics  
24 that were mentioned, that prevent the  
25 property from being used for a room in the

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1 back, which was the large trees in the back,  
2 the plumbing that comes off to the one side  
3 of the house, and the other side of the house  
4 being obstructed by an existing garage, that  
5 would prevent the construction of a room on  
6 the other side, as some of the unique  
7 circumstances that would lead to the  
8 property.

9 MR. IBE: I will adopt the city  
10 attorney's comments as well for the motion.

11 MS. KRIEGER: Second.

12 CHAIRPERSON FERRELL: Motion and  
13 a second. Any further discussion?

14 (No audible responses.)

15 CHAIRPERSON FERRELL: Seeing  
16 none, Ms. Pawlowski, will you call the roll.

17 MS. PAWLOWSKI: Member Ghannam?

18 MR. GHANNAM: Yes.

19 MS. PAWLOWSKI: Member Gronachan?

20 MS. GRONACHAN: Yes.

21 MS. PAWLOWSKI: Member Ibe?

22 MR. IBE: Yes.

23 MS. PAWLOWSKI: Member Krieger?

24 MS. KRIEGER: Yes.

25 MS. PAWLOWSKI: Member Sanghvi?

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1 MR. SANGHVI: Yes.

2 MS. PAWLOWSKI: Chairperson

3 Ferrell?

4 CHAIRPERSON FERRELL: Yes.

5 MS. PAWLOWSKI: Motion passes six  
6 to zero.

7 MR. SAFERIAN: Thank you.

8 CHAIRPERSON FERRELL: Moving onto  
9 Case No. PZ14-0054, 41200 Bridge Street.

10 State your name, please.

11 MR. HADLEY: Lawrence Hadley,  
12 H-a-d-l-e-y.

13 MR. GHANNAM: Do you solemnly  
14 swear or affirm to tell the truth in this  
15 case?

16 MR. HADLEY: I do.

17 MR. GHANNAM: Thank you.

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MR. HADLEY: Here for a sign variance for the property located at 41200 Bridge Street. And we've had the ongoing issue of the berm, which is obstructing the visibility of a sign, that would follow through the regular requirements because of the berm on Bridge as well as the berm on Meadowbrook.

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The market has remained steadfastly soft, industrial flex vacancy, and I've pulled up data from New Mark Frank (ph) in the fourth quarter of the last year was 10.2 percent, third quarter this year, 9.4 percent in Novi, so there has not been that much industrial flex absorption in Novi. And, you know, we are at -- we have 7,500 square feet out of 20,000, so that's almost 40 percent. So we are still well away from that 9.4 percent number. And then we were really hamstrung this summer because of the construction on Meadowbrook on the sidewalk, which we had a flag man at Bridge Street and Meadowbrook for several weeks and people are not going to bother to come look at your property because it's difficult to get in and out. There is too many other properties for them to look at, they're just going to walk on by.

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I had all kind of leasing traffic for the property on Meadowbrook, which is now full because people could get in and out to look at.

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But it was difficult going to work every morning, when you had traffic was down to one lane, for weeks on end, that's just killed us. That just killed us this summer. So that's the basis for the request for the variance.

6  
7  
8

CHAIRPERSON FERRELL: Thank you. Anybody in the audience have any questions or comments pertaining to this case?

9  
10

Seeing none, Mr. Secretary, can you read the correspondence.

11  
12  
13

MR. GHANNAM: We have 20 mailed notices, zero returned notices, zero approvals and zero objections.

14  
15

CHAIRPERSON FERRELL: Anything from the city?

16

MR. WALSH: No comments.

17  
18

CHAIRPERSON FERRELL: Open it up to the board for discussion.

19

I have a question for the

20 city. How many times, just to be clear, has  
21 this been approved in the past? For the same  
22 signage.

23 MR. WALSH: Appears to be about  
24 five.

25 CHAIRPERSON FERRELL: Thank you.

0049

1 Anybody else?

2 MR. SANGHVI: Thank you,  
3 Mr. Chair. I think the first time a variance  
4 was given for this particular case was in  
5 2006.

6 MR. HADLEY: Before my time.

7 MR. SANGHVI: According to the  
8 record. This is 2014. This is quote,  
9 unquote a temporary sign. And I don't know  
10 how temporary is an eight year-old sign. And  
11 in spite of the economy up turns and down  
12 turns and everything else, I thought eight  
13 years is a long time for a quote temporary  
14 unquote, sign. Thank you.

15 CHAIRPERSON FERRELL: Any other  
16 discussion?

17 MR. GHANNAM: I just have a  
18 question. I mean, I understand the theory  
19 where people come in and tell us bigger is  
20 better, but you are entitled to a sign. Why  
21 the continued use of this excessive sign.

22 MR. HADLEY: It's not the size,  
23 it's the location of the sign. We are only  
24 allowed to have the sign I believe within  
25 50 feet of the building envelope. And that

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1 would limit us to putting the sign back over  
2 on Bridge Street where there would be no  
3 visibility from Meadowbrook whatsoever. And  
4 especially because of the berm on  
5 Meadowbrook. You know, the good news is, we  
6 filled up the building on Meadowbrook and  
7 took that sign down, all of them.

8 MR. GHANNAM: I understand, but  
9 that's where your property is located. I  
10 mean, it's located off a major street. With  
11 your theory, if I'm in the middle of a  
12 subdivision, why can't I put it on Eight Mile  
13 and Nine Mile and Meadowbrook and Novi Road,  
14 you know, because no one can see it in my  
15 sub.

16 MR. HADLEY: It's a little  
17 different for commercial versus residential  
18 when it comes to visibility.

19 Without the berms, the sign --  
20 our signage on Bridge Street would be very  
21 visible. You could see the building as you



22 drive by, but you wouldn't be able to see the  
23 leasing sign, so that's the reason for the  
24 request.

25 MR. GHANNAM: Remind me, does  
0051

1 this particular sign, does -- in it's  
2 current -- where you currently want it  
3 situated, does it back to your property or  
4 no?

5 MR. HADLEY: No, it's off our  
6 property.

7 MR. GHANNAM: How far is it from  
8 the property line?

9 MR. HADLEY: The actual property  
10 line itself, oh, probably 50 feet or so, I  
11 would guess. It's a site condominium, so I  
12 don't know whether the property line is in  
13 the building envelope or not.

14 MR. GHANNAM: The way I  
15 originally read this was, that it was just  
16 for an oversized sign, not the location. But  
17 it is -- is it both?

18 MR. WALSH: It's for the  
19 oversized sign not the location.

20 MR. GHANNAM: So they are  
21 entitled to have the sign where it's  
22 currently located?

23 MR. HADLEY: I stand correct.  
24 It's only 16 square feet. The other sign is  
25 16 --

0052  
1 MR. GHANNAM: Sixteen is the max.  
2 So it is not the location, but it is the --

3 MR. HADLEY: I was confusing that  
4 with the other property.

5 MR. GHANNAM: So tell me what the  
6 difference is between 24 and 16 and the  
7 continued coming in asking for these  
8 variances?

9 MR. HADLEY: The issue there is  
10 also people -- as it was with the other  
11 building people whizzing by on Meadowbrook,  
12 you've got higher traffic, and so it's just,  
13 you know, important for us to be able to  
14 stand out.

15 MR. GHANNAM: But what makes a 16  
16 square feet sign invisible and a 24-foot sign  
17 visible?

18 MR. HADLEY: It's lesser --

19 MR. GHANNAM: That's obvious.

20 MR. HADLEY: I can just tell you,  
21 you get better visibility and better exposure  
22 with a larger sign.

23 MR. GHANNAM: Thank you.

24  
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MR. IBE: Mr. Chair, thank you so much. I would like to re-echo Mr. Sanghvi's

1 comment regarding temporary.

2 Can you, sir, tell me what  
3 makes this sign temporary and not permanent.  
4 If you can convince me, because I'm having a  
5 hard time trying to understand it because  
6 it's been up for eight years. I'm trying to  
7 understand why it's not a permanent sign.

8 MR. HADLEY: I guess the thought  
9 being, that is -- I guess we have always been  
10 perhaps Pollyanna-ish, but I thought we would  
11 get the building leased the next year and  
12 wouldn't have to come back again. That's why  
13 we just kept going along the temporary route  
14 hoping that the market would turn around for  
15 us and it just hasn't happened.

16 So we have just kind of limped  
17 along always going in for a temporary  
18 variance hoping that was the last one.

19 MR. IBE: Obviously you and I  
20 know that we don't control what happens with  
21 the market, you don't have any control over  
22 that?

23 MR. HADLEY: Right.

24 MR. IBE: And definitely the city  
25 doesn't have any control of the market, so

0054

1 it's possible that this sign could be up for  
2 the next six years, for all we know, I hope  
3 not, but isn't that possible because in 2006  
4 you thought it was going to be 2007, then it  
5 was 2008, it was -- you know, on and on,  
6 2014.

7 Would you agree that based on  
8 the current circumstances of the situation,  
9 it's possible that you may come back here  
10 again next year and the year after that?

11 MR. HADLEY: It's always  
12 possible.

13 MR. IBE: Would you then -- I  
14 mean, I'm not putting words in your mouth,  
15 would you consider it, this is beyond  
16 temporary, obviously, because temporary you  
17 would think would be something like maybe  
18 four or five years, but beyond that, are we  
19 getting close to double digit numbers here  
20 now, very close?

21 MR. HADLEY: Yes. I understand  
22 your position. I'm just asking for one more  
23 temporary variance.

24 MR. IBE: What other marketing  
25 tools are you using to market this --

0055

1 MR. HADLEY: We extensively  
2 market on the internet, via Loopnet and  
3 Co-star. Loopnet is an expensive  
4 subscription service that we pay several  
5 thousand dollars a year to post the property  
6 on. We also have our own website.

7 And I also actually hand  
8 deliver flyers to people who try and generate  
9 that traffic. So we just don't put up a sign  
10 and wait for people to come. But signs are  
11 still an important, you know, method of  
12 communication in real estate. My cellphone  
13 number is on that sign and I get phonecalls  
14 days, nights and weekends on that sign and  
15 other signs that I have around town because  
16 people still rely on signs for real estate.

17 MR. IBE: You believe the bigger  
18 the sign, the better it is, is that correct?

19 MR. HADLEY: Yes.

20 MR. IBE: Why not ask for 36? I  
21 mean, you want it bigger?

22 MR. HADLEY: You know, the  
23 ownership of the building has been -- uses  
24 this size sign and other communities don't  
25 have the size restriction. And this is one

0056

1 of the few communities that does. So the  
2 other communities we have properties located  
3 in, don't require a variance for that larger  
4 sign.

5 We have signs in Troy and  
6 Bloomfield Hills and Livonia, Plymouth, and  
7 we don't have that restriction. That's just  
8 been kind of our consistency of sign size.

9 MR. IBE: I respect those cities  
10 and their rules.

11 MR. HADLEY: Their rules are  
12 their rules and your rules are your and  
13 rules. I get that.

14 MR. IBE: Based on the fact that  
15 this sign has -- I mean, naturally, I came  
16 to -- if this was maybe the fourth or fifth  
17 year, I would be more than inclined to say  
18 because of economic reasons, so give -- you  
19 know, the business person, purchase one or  
20 two more years. But eight years, I think  
21 it's gone on for too long.

22 You can either downsize to  
23 what the ordinance calls for, or I'm  
24 definitely not going to be in approval of  
25 this.

0057

1 Thank you, Mr. Chair.

2 CHAIRPERSON FERRELL: Thank you.  
3 Any other discussion?  
4 (No audible responses.)  
5 CHAIRPERSON FERRELL: Seeing  
6 none, do I hear a motion?  
7 MS. KRIEGER: In Case No.  
8 PZ14-0054, for 41200 Bridge Street, I move to  
9 deny the request for the sign. The request  
10 is based upon circumstances and features that  
11 are exceptional and unique to the property  
12 and do not result from conditions that exist  
13 generally in the city and are self-created.  
14 Especially if the sign has had eight years of  
15 visibility. There are other options in the  
16 city to choose by.  
17 The failure to grant relief  
18 will not unreasonably prevent or the limit  
19 the use of the property and will result in  
20 substantially more than an inconvenience or  
21 inability, that will be able to continue with  
22 other options.  
23 The grant of relief will not  
24 result in use of structure that is  
25 incompatible with or unreasonably interferes  
0058  
1 with adjacent or surrounding properties.  
2 There are other signs along there that are  
3 smaller and visible for motorists to observe.  
4 It will result in substantial  
5 justice being done to both applicants and  
6 adjacent and/or surrounding properties, and  
7 is not inconsistent with the spirit of the  
8 ordinance.  
9 MS. SAARELA: You made a motion  
10 to deny, but the way you were reading the  
11 standards, it was like you were reading a  
12 motion to approve. You have to change a lot  
13 of that when you're making motions to deny.  
14 A few of them I saw that you  
15 did change, but a few of them you were still  
16 reading them as the standards to approve.  
17 I do probably have a motion  
18 sheet that has the standards.  
19 MS. KRIEGER: Yes, I was reading  
20 it. I was trying to change the wording.  
21 MS. SAARELA: If you could add  
22 factors to that, that might --  
23 MS. KRIEGER: Re-read it?  
24 MS. SAARELA: Yes.  
25 MS. KRIEGER: Scratch that.

0059  
1 So in Case No. PZ14-0054, for  
2 41200 Bridge Street, I move that we deny the  
3 variance in this case number, sought by the

4 petitioner because it's not shown a practical  
5 difficulty, due to the circumstances and  
6 features of the property, including this sign  
7 has been there for visibility for the last  
8 eight years. It is not unique throughout the  
9 city.

10 The circumstances and features  
11 of the property that are leading to the  
12 variance request are self-created. The  
13 (unintelligible) with the city ordinances to  
14 have that option.

15 The failure to grant relief  
16 will result in inconvenience and inability to  
17 an higher economic or financial return based  
18 on the petitioner's statements that they --  
19 of having the sign, therefore, it's a  
20 significant amount of time.

21 The variance would result in  
22 interference with the adjacent and  
23 surrounding properties by obstruction or  
24 distraction, and granting the variance would  
25 be inconsistent with the spirit and intent of

0060  
1 the ordinance, as to prolonging it, a  
2 temporary sign to a permanent sign.

3 MR. GHANNAM: Second.

4 CHAIRPERSON FERRELL: A motion  
5 and a second, any further discussion?

6 (No audible responses.)

7 CHAIRPERSON FERRELL: Seeing  
8 none, Ms. Pawlowski, can you call the roll,  
9 please.

10 MS. PAWLOWSKI: Member Ghannam?

11 MR. GHANNAM: Yes.

12 MS. PAWLOWSKI: Member Gronachan?

13 MS. GRONACHAN: Yes.

14 MS. PAWLOWSKI: Member Ibe?

15 MR. IBE: Yes.

16 MS. PAWLOWSKI: Member Krieger?

17 MS. KRIEGER: Yes.

18 MS. PAWLOWSKI: Member Sanghvi?

19 MR. SANGHVI: Yes.

20 MS. PAWLOWSKI: Chairperson

21 Ferrell?

22 CHAIRPERSON FERRELL: Yes.

23 MS. PAWLOWSKI: Motion passes six  
24 to zero.

25 CHAIRPERSON FERRELL: Moving onto

0061  
1 Case No. PZ14-0055, 45995 Gallway Drive.

2 Please come forward. Raise  
3 your right hand, be sworn in, and state and  
4 spell your name for the reporter.

5 MR. LORENZO: Robert Lorzeno,

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R-o-b-e-r-t, L-o-r-e-n-z-o.

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MR. GHANNAM: Do you swear or  
affirm to tell the truth in this case, sir?

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MR. LORENZO: I do.

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Good evening, Mr. Chair and  
board members. Again, I'm Bob Lorenzo and I  
really do appreciate the opportunity this  
evening to speak with you.

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My wife, Laura and I are  
planning a single story addition on the west  
side of our house.

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We are doing this so that we  
can continue enjoying our home here in Novi,  
by expanding our rather small living and  
dining rooms adding some space for a library  
and for a study and providing some  
flexibility for future age and place options  
and potential requirements. Since we do  
intend to remain in our home during  
retirement.

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As you know, and as seen in  
the materials we submitted to you, the width  
of the planned addition is 20 feet.

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I would like to emphasize that  
this width will comply with the required  
15-foot minimum sideyard setback on the west  
side of the house where the addition will be  
located, so that is not going to be an issue.

We also will be in compliance  
with the 15-foot setback requirement on the  
east side of the house. So that will not be  
an issue either.

However, the planned addition  
would require a 5.5-foot variance to the  
40 feet minimum aggregate sideyard setback.

Now, the proposed addition  
would provide for us further use and  
enjoyment of home and property. But our  
existing home and our property do present  
several practical limitations and  
difficulties with regard to our addition  
project.

These would include the  
following. The placement of our house on the  
lot, when the house was first built by the

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subdivision developers some 30 years ago, the  
physical features of our property, including  
storm water drainage, the configuration and  
the construction of our existing rooms, and  
how the addition could be integrated with the  
existing house structure and with the  
existing room layout functions and how can we

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do that successfully and practically.

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Now, without the 5.5-foot variance that we are requesting, the exterior of our planned addition would be restricted to 14.5 feet. That would result in kind of a narrow elongated structure, sort of resembling a railroad boxcar. We think seriously detracting from any curb appeal.

That restriction also would result in rather narrow interior rooms and that in turn would curtail the planned additional living space, it would compromise the addition's flexibility for future aging and place accommodations and options as well.

Now, we have received approval for our variance appeal from the architectural committee of our Lexington Green homeowners association. And a copy of

that approved request form was included in the materials that we submitted to you.

So to sum up, our intention is to build a proposed addition in a way that will not only increase the functionality and the volume of our home, but hopefully also will compliment other nearby homes and contribute to increasing home values in the immediate neighborhood.

That's why we are asking for your help.

Thanks very much for your consideration and I will be really happy to answer any questions that you have for me.

CHAIRPERSON FERRELL: Thank you. Your presentation was very well done, by the way.

Anybody in the audience have any questions or comments about this case?

(No audible responses.)

Seeing none, Mr. Secretary, any correspondence?

MR. GHANNAM: Eleven mailed notices, zero return mail, zero approval, zero objections.

CHAIRPERSON FERRELL: Anything from the city?

MR. WALSH: No comments.

CHAIRPERSON FERRELL: Open it up to the board for discussion.

MR. SANGHVI: Thank you, Mr. Chair.

First of all, Mr. Lorenzo, I want to congratulate you for that wonderful

10 application. I think you have taken care of  
11 whatever question I might have had.

12 I also had the pleasure of  
13 visiting your place yesterday and looked  
14 around.

15 Considering everything, I  
16 would be in full support for your  
17 application. Thank you.

18 CHAIRPERSON FERRELL: Anybody  
19 else?

20 MS. GRONACHAN: You remind me of  
21 somebody that used to serve on council many,  
22 many years ago, so I think you were well  
23 trained.

24 MR. SANGHVI: I didn't want to  
25 mention, Laura, but now that the subject has

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1 come up.

2 I have known Laura for many  
3 years, we worked together on the city council  
4 years ago. I have very pleasant memories of  
5 working with Laura and she kept the  
6 proceedings very lively. Thank you, Laura  
7 for your service.

8 AUDIENCE MEMBER: Thank you,  
9 Dr. Sanghvi.

10 MS. GRONACHAN: I echo the  
11 comments from the previous speaker, and also  
12 say that you are very well prepared.

13 I will agree I think that the  
14 lot is unusual, in your presentation as you  
15 so stated, and I have no problem supporting  
16 your request.

17 MR. LORENZO: Thank you for your  
18 consideration.

19 CHAIRPERSON FERRELL: Yes.

20 MR. GHANNAM: I was in favor of  
21 this until Dr. Sanghvi said he knew you and  
22 supported this. For the record, I'm kidding.

23 Actually I reviewed the whole  
24 packet and I thought it was an excellent job.  
25 I think you're doing a nice job on this, so I

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1 have no problem with this request.

2 CHAIRPERSON FERRELL: Thank you.  
3 Anybody else?

4 MS. KRIEGER: I agree.

5 MR. IBE: I have no comments.

6 CHAIRPERSON FERRELL: I'll make a  
7 motion if there is no other discussion.

8 In Item No. 4, Case No.

9 PZ14-0055, 45995 Gallway Drive, I move to  
10 approve the request as requested.

11 There are unique circumstance



12 and physical conditions of the property, such  
13 as its narrowness, shallowness, shape, water  
14 and so forth. And the need for the variance  
15 is not due to the applicant's personal or  
16 economic difficulty.

17 The need is not self-created,  
18 as this is an older home, constructed under  
19 older building codes and so forth at the  
20 time.

21 The strict compliance with  
22 current regulations governing setback,  
23 frontage, height and so forth will  
24 unreasonable prevent the property owner from  
25 using the property for a permitted purpose,

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1 such as retirement, and will render  
2 conformity with those regulations  
3 unnecessarily burdensome.

4 The requested variance in the  
5 minimum variance necessary to do substantial  
6 justice to the applicant as well as other  
7 property owners in the district. And the  
8 requested variance will not cause adverse  
9 impact or surrounding property values -- on  
10 surrounding property, property values or the  
11 use and enjoyment of the property. In fact,  
12 I think it will enhance it.

13 MS. GRONACHAN: Second.

14 CHAIRPERSON FERRELL: Motion and  
15 a second. Any further discussion?

16 (No audible responses.)

17 CHAIRPERSON FERRELL:

18 Ms. Pawlowski, can you call  
19 the roll, please.

20 MS. PAWLOWSKI: Member Ghannam?

21 MR. GHANNAM: Yes.

22 MS. PAWLOWSKI: Member Gronachan?

23 MS. GRONACHAN: Yes.

24 MS. PAWLOWSKI: Member Ibe?

25 MR. IBE: Yes.

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1 MS. PAWLOWSKI: Member Krieger?

2 MS. KRIEGER: Yes.

3 MS. PAWLOWSKI: Member Sanghvi?

4 MR. SANGHVI: Yes.

5 MS. PAWLOWSKI: Chairperson

6 Ferrell?

7 CHAIRPERSON FERRELL: Yes.

8 MS. PAWLOWSKI: Motion passes six  
9 to zero.

10 MR. LORENZO: Thank you very much  
11 for your help. Happy Holidays to you all.

12 CHAIRPERSON FERRELL: Moving onto

13 Case No. PZ14-0057, 1296 East Lake Drive.

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Are you both going to be speaking?

MR. SHAMOUN: Yes.

MR. ABDELNOUR: Yes.

CHAIRPERSON FERRELL: Both please raise your right hand and be sworn and then state and spell your name for the reporter, please.

MR. GHANNAM: Go ahead and state your names and spell them.

MR. SHAMOUN: My name is Jason Shamoun S-h-a-m-o-u-n.

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MR. ABDELNOUR: My name is Ghassan Abdelnour, last name is A-b-d-e-l-n-o-u-r.

MR. GHANNAM: Spell your first name, too.

MR. ABDELNOUR: Ghassan, G-h-a-s-s-a-n.

MR. GHANNAM: Both of you raise your right hands.

Do you swear or affirm to tell the truth in this case?

MR. SHAMOUN: I do.

MR. ABDELNOUR: I do.

MR. SHAMOUN: I want to say thank you very much for having me today. I really appreciate it.

I am looking to build a house on 1296 East Lake Drive, a 3,400 square foot house. The other house is 1,008 square feet. The house currently is less than 35 feet from the water. I'm going to be bringing the house back to 35 feet to obey the ordinance.

I'm also going to be taking down the garage that's in the front of the property close to Novi Road, which is also --

does not comply with the current variance. And I'm only asking for the variances on the sides.

The house currently sits at three feet from the -- three feet from the right side of the house, sits currently at three feet. I'm asking for a three foot variance and actually the house goes up to the property line on the left-hand side of the house, if you're looking at the house, when it's on the lake. And I'm asking to actually take the house back to five feet from the property -- 4.92 feet from the property line.

So I'm actually reducing where

16 the current household actually is located.  
17 I have talked with both my  
18 neighbors. Both my neighbors are in favor of  
19 my build. I think it's going to be an  
20 enhancement to the City of Novi. I'm really  
21 excited to be moving into the City of Novi  
22 and to do this project.

23 The house that's currently  
24 there was built in 1940, it's a very old  
25 house, the delapidated, as well as the

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1 garage.

2 Anything to add?

3 MR. ABDELNOUR: I just wanted to  
4 say that actually the existing house has a  
5 lot of -- it's way closer to the property  
6 line and to the water side, so actually by  
7 moving the house to the back, actually,  
8 almost -- if you consider the deck and below  
9 the deck there is a space in the basement, so  
10 actually we will be moving almost 14 feet of  
11 the house to the back. So that gives us a  
12 better front -- I mean, yard to the water  
13 side.

14 Plus we're -- there is one  
15 side -- the house is almost 1.8 feet close to  
16 the property line. We are moving it to 4.92,  
17 and we are keeping one side three feet the  
18 way it is right now.

19 And by moving the garage from  
20 the front of the house on Novi -- on the main  
21 road, actually, we move the garage and  
22 connect it with the existing house and we  
23 gave it a nice look, try to match the  
24 neighborhood and make it more within the  
25 side -- the front side and the back side of

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1 the existing homes.

2 And for the materials, we try  
3 to look with nice brick, nice stone, just to  
4 match the -- to make it look more work with  
5 the neighborhood.

6 The existing house, too, has  
7 stairs. There is a lot of decks very close  
8 to the neighbors, actually we are moving that  
9 also five feet, so the existing house has a  
10 lot of issues, and that's -- we try to work  
11 with the planning department and the building  
12 department. And they have been very helpful  
13 working with us, especially also we are  
14 facing the grading issue that we end up  
15 solving with a consultant for the city,  
16 trying to make sure that the water drainage  
17 work on both sides, because the existing

18 house has issues, too, that we need to solve.  
19 So I think the new plan works  
20 very well with the subdivision, with the  
21 neighbors.

22 We did meet with the  
23 neighbors, we showed them all the drawings  
24 and everybody was kind of excited because we  
25 are solving some of the issues that we

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1 already have in the existing house, plus the  
2 house is in very bad shape. I'm the  
3 architect with the project, so if you have  
4 any questions, we would love to answer you,  
5 and we thank the city for the help with the  
6 whole process.

7 CHAIRPERSON FERRELL: Thank you  
8 very much.

9 Open it up to the city or  
10 anybody in the audience.

11 (No audible responses.)

12 Seeing none. Mr. Secretary,  
13 can you read any correspondence.

14 MR. GHANNAM: We have 24 mailed  
15 notices, zero returns, two approvals, and  
16 zero objections.

17 The first approval is from  
18 Belinda and Harry Kubbe, K-u-b-b-e. It says  
19 "We, Belinda and Harry Kubbe live adjacent to  
20 1296 East Lake Drive lot on the south side.  
21 We have reviewed Jason's plans with him and  
22 have no issues. We are looking forward to  
23 having a nice new home built next to our  
24 property."

25 The second approval is dated

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1 November 24th, 2014 by Asa and Carol Smith.  
2 It says follows. "Mr. Shamoun has requested  
3 variances for a new build next-door to our  
4 residence, our south side. The sideyard  
5 setback would be three foot. There is an  
6 existing one story structure there, at this  
7 time with an approximate three foot setback  
8 from the property line.

9 We have viewed Mr. Shamoun's  
10 plans -- or proposed plans and have addressed  
11 our concerns regarding this project with him,  
12 due to the close proximity of this build to  
13 our property and dwelling, our concerns are  
14 as follows. Damage to our property and  
15 dwelling during old foundation removal and  
16 reconstruction, use of only bonded and  
17 insured contractors for this work, property  
18 grading of this lot for drainage and water  
19 runoff for previous services, roof,

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et cetera.

21

We have discussed our concerns with Mr. Shamoun and he has assured us that our concerns will be addressed. We feel the proposed home will be an asset to the area and understand the challenges involved in

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building on a narrow lot.

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We are looking forward to having Mr. Shamoun as our new neighbor."

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CHAIRPERSON FERRELL: Anything from the city?

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MR. WALSH: No comments at this time.

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CHAIRPERSON FERRELL: Open it up to the board of discussion.

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MR. SANGHVI: Thank you, Mr. Chair.

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I came and visited your place yesterday. And I have been familiar with this area for over 40 years. I used to live in Wolverine Lake Village 40 years ago and drove through East Lake Drive God knows how many times and how it has changed. And there is change for the better.

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And you all know, most of the lots around there are like a postage stamp. And they all need variances to do any improvement of any kind.

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And I have no problem with supporting your application and I think you would only do good to the neighborhood by

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doing your new home and bringing out all these changes.

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So I commend you for doing what you are doing and I have no difficulty in supporting your application. Thank you.

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CHAIRPERSON FERRELL: Thank you.

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MR. GHANNAM: I, too, have no problem with your request. I think it's a very, very nice job, given the lot that you have purchased. I think it will be a benefit to the neighborhood.

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And again, given these old lots, the narrowness of them, as well as the ones on the lake, we have received a number of requests on the lake, and I think Member Sanghvi is accurate, you can't do anything without a variance. It's just as simple as that. If you want a decent house, and certainly you have got a couple of approvals by your immediate neighbors, that tends to help and reinforce in our mind that it's

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appropriate.  
So I have no problem with your request.

CHAIRPERSON FERRELL: Anybody

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else? Motion?  
MS. GRONACHAN: Make your last motion.  
MR. GHANNAM: If there is no further discussion, Item No. 6, Case No. PZ14-0057, I move that we grant the petition as requested. There are very unique circumstances and physical conditions of this property, such as it's narrowness, shallowness, shape, water, topography, and other similar conditions.

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The need for the variance is not due to the applicant's personal or economic difficulty. It is due to the nature of the old, narrow lots created years ago.

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Certainly the need is not self-created. The petitioner wants to build a new house and the only way to do it is with multiple variances.

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I think strict compliance with the regulations governing area setback, frontage, height and so forth will unreasonably prevent the property owner from using the property for a permitted purpose, which is residential, and certainly the

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existing residence as indicated is unhabitable, and will render conformity with those regulations unnecessarily burdensome.  
The requested variance is the minimum variance necessary to do substantial justice to the applicant as well as other properties owners in the district, and the requested variance will not cause an adverse impact on surrounding property, property values or the use and enjoyment of the property in the neighborhood or zoning district. In fact, it will enhance it.

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MS. GRONACHAN: Second.

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CHAIRPERSON FERRELL: Motion and a second, any further discussion?

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(No audible responses.)

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CHAIRPERSON FERRELL: Seeing none, Ms. Pawlowski, can you call the roll, please.

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MS. PAWLOWSKI: Member Ghannam?

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MR. GHANNAM: Yes.

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MS. PAWLOWSKI: Member Gronachan?

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MS. GRONACHAN: Yes.

24 MS. PAWLOWSKI: Member Ibe?  
25 MR. IBE: Yes.  
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1 MS. PAWLOWSKI: Member Krieger?  
2 MS. KRIEGER: Yes.  
3 MS. PAWLOWSKI: Member Sanghvi?  
4 MR. SANGHVI: Yes.  
5 MS. PAWLOWSKI: Chairperson  
6 Ferrell?  
7 CHAIRPERSON FERRELL: Yes.  
8 MS. PAWLOWSKI: Motion passes six  
9 to zero.  
10 CHAIRPERSON FERRELL: Moving onto  
11 other matters? Anybody have anything they  
12 want to say?  
13 MS. KRIEGER: Happy Holidays.  
14 CHAIRPERSON FERRELL: I would  
15 like to say thank you to our board member,  
16 Mr. Ghannam, for his service -- all his years  
17 of service on the board. I hate to see you  
18 go, but good luck to your future endeavors  
19 and it's been nice working with you.  
20 MR. GHANNAM: Thank you very  
21 much. It was certainly a pleasure working on  
22 the zoning board since I think it was '08. I  
23 appreciate the city council's appointment as  
24 well as reappointment. I think other people  
25 deserve a chance to serve the city, as I did,  
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1 and I won't be gone for long. Maybe I will  
2 come back.  
3 MS. GRONACHAN: Thank you for  
4 your service.  
5 MS. KRIEGER: Thank you.  
6 MR. SANGHVI: We will miss you.  
7 CHAIRPERSON FERRELL: Do I hear a  
8 motion to adjourn?  
9 MR. GHANNAM: So moved.  
10 MS. GRONACHAN: Second.  
11 CHAIRPERSON FERRELL: All in  
12 favor say aye.  
13 THE BOARD: Aye.  
14 CHAIRPERSON FERRELL: Any  
15 opposed?  
16 (No audible responses.)  
17 CHAIRPERSON FERRELL: We are  
18 adjourned.  
19 (The meeting was adjourned at 8:25 p.m.)  
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1 STATE OF MICHIGAN )  
2 ) ss.  
3 COUNTY OF OAKLAND )

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

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

17 IN WITNESS THEREOF, I have hereunto set my hand at the  
18 City of Walled Lake, County of Oakland, State of Michigan, this  
19 9th January 2015.

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