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REGULAR MEETING - ZONING BOARD OF APPEALS

2

CITY OF NOVI

3

Tuesday, August 12, 2014

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Proceedings taken in the matter of the ZONING BOARD OF

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APPEALS, at City of Novi, 45175 West Ten Mile Road, Novi,

7

Michigan, on Tuesday, August 12, 2014

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BOARD MEMBERS

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Brent Ferrell, Chairperson

10

Mav Sanghvi

11

David Ghannam

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Cynthia Gronachan

13

Rickie Ibe

14

James Gerblich

15

ALSO PRESENT: Thomas Walsh, Building Official

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Beth Saarela, City Attorney

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Coordinator: Angela Pawlowski, Recording Secretary

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REPORTED BY: Jennifer L. Wall, Certified Shorthand Reporter

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INDEX

	Case No.	Page
2		
3	PZ14-0028	5
4	PZ14-0030	48
5	PZ14-0031	53
6	PZ14-0032	59
7	PZ14-0033	64
8	PZ14-0034	71

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1 Novi, Michigan.

2 Tuesday, August 12, 2014

3 7:00 p.m.

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CHAIRPERSON FERRELL: Calling to
order the Zoning Board of Appeals regular
scheduled August 12, 2014 meeting.

Member Gerblick, can you
please start us with the Pledge of
Allegiance. Everybody please rise.

(Pledge recited.)

CHAIRPERSON FERRELL: Ms.
Pawlowski, can you call the roll, please.

MS. PAWLOWSKI: Member Gerblick?

MR. GERBLICK: Here.

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 is
absent, excused.

Member Sanghvi?

MR. SANGHVI: Here.

MS. PAWLOWSKI: Chairperson
Ferrell?

CHAIRPERSON FERRELL: Here.

At this time there is a public

6 hearing format, rules of conduct that's in
7 the back of the room, if anybody would like
8 to grab a copy to follow along with that.

9 Now onto approval of the
10 agenda.

11 Is there any additions to
12 that?

13 MS. PAWLOWSKI: No.

14 MR. GHANNAM: I will move to
15 approve them.

16 MS. GRONACHAN: Second.

17 CHAIRPERSON FERRELL: Having a
18 motion and a second, all in favor say aye.

19 THE BOARD: Aye.

20 CHAIRPERSON FERRELL: Any
21 opposed?

22 (No audible responses.)

23 CHAIRPERSON FERRELL: Seeing
24 none, we have an agenda.

25 Approval of the minutes?

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1 MS. GRONACHAN: There aren't any.

2 CHAIRPERSON FERRELL: There are
3 none. Moving on.

4 On the public remarks, anybody
5 have anything that they would like to ask or
6 address the board, may come up and do so now,
7 that is not pertaining to any cases that are

8 being heard tonight.

9 Seeing none, this is a public
10 hearing. We ask that pagers and cellphones
11 be turned off at this time.

12 As your case is called, please
13 come up, raise your right hand. If you are
14 not an attorney, be sworn in, and state your
15 name and spell it for the reporter.

16 Case No. PZ14-0012, 44050
17 Twelve Mile Road, Stoneridge Office Park.

18 Very good. Come back to that.

19 Case No. 2, PZ14-0028, 1103
20 East Lake Drive, Sundance Grill and Cantina.

21 MR. GHANNAM: State your name,
22 sir.

23 MR. MAMOLA: My name is Lee
24 Mamola, from DiClemente Siegel Design
25 Architects.

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1 MR. GHANNAM: Can you spell that,
2 please.

3 MR. MAMOLA: Lee, L-e-e,
4 M-a-m-o-l-a.

5 MR. GHANNAM: Raise your right
6 hand. Do you swear or affirm in this case to
7 tell the truth?

8 MR. MAMOLA: Yes, I do.

9 Good evening, Members of the

10 Board. With me tonight is Mr. Ted Andris,
11 the owner of the property who is an attorney,
12 by the way.

13 Mr. Andris has owned property
14 immediately adjacent and surrounding this
15 property for many years. That property has
16 been vacant.

17 Approximately two years ago,
18 he bought the property that predominantly is
19 occupied by the restaurant, the facility in
20 question tonight.

21 So it has become one property.
22 He is seeking to make a number of
23 improvements to it by expanding some of the
24 dining services, upgrading the facilities in
25 general and a number of improvements

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1 including parking. Right now parking, as you
2 might be aware, is really right off the
3 street on East Lake Drive and Fourteen Mile
4 Road, rather hazardous situation.

5 We are here to talk about
6 obtaining variances for sideyard
7 encroachments.

8 I have some diagrams I'd like
9 to pass out that would help to clarify the
10 presentation.

11 What you will see are two

12 diagrams, one of the floor plan and one of
13 the site plan.

14 The existing building, which
15 is the floor plan -- I'm sorry, the floor
16 plan is the first diagram you see and to the
17 top part of that plan, you see some areas
18 shaded in red.

19 That is the area of the
20 kitchen expansion which can really only occur
21 in that one direction, that is the exterior
22 sideyard, if you will. And it expands to the
23 limit that would essentially square off the
24 footprint of the building.

25 The dash lines that you see on

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1 the floor plan are the approximate required
2 setback lines.

3 CHAIRPERSON FERRELL: Sir, can
4 you actually set this on top of that. That
5 way we can get it up on the screen so
6 everybody can see it.

7 MR. MAMOLA: Most of it is there.

8 Again, the red area, the
9 darker area on the top is expanding the
10 kitchen area, which is the existing kitchen
11 and food prep area.

12 To the left of the plan, you
13 see a light blue area, that is the outdoor

14 deck slash patio type seating and it's
15 located at that side of the building so that
16 the patrons can take advantage of the view of
17 the lake, which is a little further to the
18 left.

19 Kind of off the screen, see if
20 I can move it up to a little bit, is about a
21 200 square foot area. That would be an
22 enclosed addition. You kind of see the
23 little sliver of encroachment into the
24 sideyard setback.

25 Again, that geometry is

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1 dictated by the simplistic geometry of
2 squaring off the building.

3 On the next sheet there is a
4 site plan, and again you see the red and the
5 blue areas with the dashed lines with the
6 required setbacks.

7 You also see some green area
8 which today is predominantly parking, so
9 there will be a green buffer area between the
10 edge of the roads, both Fourteen Mile and
11 East Lake Drive and the proposed additions.

12 So there still is a green
13 so-called front yard and/or exterior
14 sideyard.

15 Now, there is -- the only way

16 this building can be added onto and expanded
17 in any way, these are all rather modest
18 expansions, is to the north for the kitchen,
19 it is to the east for the seating and deck
20 area.

21 It cannot be expanded to the
22 south because we need to have two points of
23 egress and a driveway and related site
24 improvements, parking and so on.

25 There is really no further

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1 room to expand to the south other than the
2 little square that I talked about earlier.

3 And we really can't expand,
4 put an addition on and make these
5 improvements to the building further to the
6 east. The driveway that you see pretty much
7 has to be in that approximate spot for
8 traffic safety reasons.

9 If the driveway were located
10 further to the west, thereby maybe creating
11 some possibilities for expansion of the
12 building on the west -- sorry, the east side,
13 we would create a hazardous traffic situation
14 particularly for people exiting the site,
15 exiting the parking area, and making a left
16 turn onto Fourteen Mile Road because for a
17 person doing that, if they're looking towards

18 the east, there is a slight rise along
19 Fourteen Mile Road, and you have limited site
20 lines for traffic.

21 So we feel the safest position
22 from a traffic safety point of view is to
23 locate the driveway, pretty much exactly
24 where it is.

25 This allows for other

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1 improvements to the site for berms and
2 sidewalks and the like which will connect to
3 the residential areas further to the east.

4 So again, the opportunity to
5 clean up this corner of -- entry corner to
6 Novi is a nice one.

7 The planning commission has
8 accepted preliminary site plan approval
9 subject to the variances tonight. The city
10 council has granted a waiver of the required
11 front yard required sidewalk along East Lake
12 Drive, and this is for the final requirement
13 before we go into the final site plan
14 approval.

15 So I'll stand by for any
16 questions from the board and Mr. Andris is
17 here, too, if you have any questions of him.

18 Thank you.

19 CHAIRPERSON FERRELL: Okay.

20 Anybody in the audience have any questions or
21 comments pertaining to this case?

22 (No audible responses.)

23 Seeing none, Mr. Secretary,
24 read any correspondence.

25 Oh, please come up and be

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1 sworn in.

2 State and spell your name for
3 the reporter.

4 MR. BRAUNSTEIN: I am Allen
5 Braunstein, B-r-a-u-n-s-t-e-i-n.

6 CHAIRPERSON FERRELL: Are you an
7 attorney?

8 MR. BRAUNSTEIN: No, I am not.

9 MR. GHANNAM: Raise your right
10 hand, sir.

11 Do you swear or affirm to tell
12 the truth in this case.

13 MR. BRAUNSTEIN: Yes. I reside
14 at 1129 East Lake Drive, which is one home
15 away from Sundance Cantina and Grill.

16 I wish to speak in clear
17 opposition to the variances which would
18 permit expansion of the outside deck and
19 parking of this establishment. Sundance
20 Cantina and Grill is not a good neighbor.

21 This in part is evident in the

22 poor condition and maintenance of the
23 adjacent properties owned by the proprietor
24 of the cantina and grill.

25 It is further evidenced by the

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1 increased noise and commotion, particularly
2 from the outside deck and parking lot, we
3 have experienced since the applicant has
4 taken ownership of this establishment.

5 We frequently hear them. Most
6 recently at 1:00 a.m. this past Sunday
7 morning.

8 I wish to emphasize that this
9 area with the exception of the bar and grill
10 is residential, not commercial. As a
11 resident and homeowner the last thing needed
12 is an expansion of a facility serving alcohol
13 outside.

14 My wife and I are already have
15 enough issues with the current bar and grill
16 and the drinkers who moor their boats in
17 front of our house and the proprietor's
18 properties whom he serves. Please see his
19 sign on his waterfront property.

20 1129 East Lake Drive is our
21 home, not a business. The poor track record
22 of this applicant is clear to us. Expansion
23 will serve only to worsen our situation.

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If this zoning commission
cares about our well-being and quality of

1 life, as neighbors and homeowners, it will
2 deny the variances which will allow for this
3 expansion.

4 This expansion will adversely
5 affect us residing at 1129 East Like Drive.
6 Thank you.

7 CHAIRPERSON FERRELL: Thank you.
8 Anybody else have any questions or comments?

9 Please state your name and
10 spell it for the reporter.

11 MR. CLARK: David Clark,
12 D-a-v-i-d, C-l-a-r-k.

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

16 MR. CLARK: I do. I live in the
17 first home next to Cantina Grill. I'm
18 worried about the water drainage from the
19 parking lot. And I saw in the thing there
20 that there is going to be a ditch flowing to
21 the existing drain, which is a culvert under
22 the road next to my property.

23 When they built Hickory Woods
24 school they drained all that water towards
25 our property, flooded my property completely.

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1 The city came out and told me what was going
2 on, nothing they could do about it. But they
3 did come out and clean out -- made the ditch
4 bigger to help the water get out of there.
5 And the culvert under the road takes it to
6 the lake.

7 But the culvert at the road on
8 both sides of the property is not very far
9 into the property. So my driveway has to
10 actually curve to get onto the road.

11 So if I could have two or
12 three more of those pipes on the road -- on
13 my house side, that would make my driveway --
14 it would still be on my property, not
15 Mr. Andris'. It would come right to the
16 property line.

17 But when it goes under the
18 road and comes to the lake, it makes a big
19 swamp on the lakeside, for mosquitoes or
20 whatever else. And it's taking -- it's
21 actually digging a hole, now just like it did
22 in the back when Hickory Woods school was
23 built, the water washed away the dirt. And
24 that dirt is all going in the lake, all the
25 junk is going in the lake. When it leaves my

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1 property on the house side of the road, it's

2 nice and clean. It goes through the reeds
3 and a long stretch of grass, goes through the
4 pipe, it picks up the dirt after it gets out
5 of that pipe on the lakeside.

6 I would like to see that pipe
7 extended to the lake and maybe two more or
8 three more on my side by my house, so my
9 driveway doesn't have to curve.

10 I'm worried also about the
11 noise from the -- like Al said, from the
12 music on the deck or parties in the parking
13 lot, or entertainment if they're allowed to
14 bring entertainment outside in the parking
15 lot, I wouldn't want to see that.

16 As far as getting closer to
17 the road, I think it's a hazard, but, you
18 know, you guys will figure that out.

19 I think that's it for me.

20 CHAIRPERSON FERRELL: Thank you,
21 sir. Mr. Secretary, any correspondence?

22 MR. GHANNAM: We have five mailed
23 notices, zero returned mail, two approvals
24 and one objection.

25 The first is an approval from

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1 Gordy and Audrey of 1345 East Lake Drive,
2 Novi, 48377, "we are in support of the
3 proposed ordinance, outside seating for a

4 lakeside" -- looks like restaurant -- "is an
5 obvious benefit for all residents in the
6 city. Sundance Grill and Cantina have done a
7 nice job clearing up the corner of Fourteen
8 Mile and East Lake Drive, and a nice
9 well-done patio would be a great way to
10 welcome people to Novi via East Lake Drive.
11 Keep up the good work."

12 Second approval is from Mark
13 and looks Islay, I-s-l-a-y, last name is
14 S-z-e-t-i-l-e, best I can read it, from 1317
15 East Lake Drive, Novi. "We would welcome the
16 addition of an outdoor patio. We support all
17 small businesses on the lake and want them to
18 succeed because we enjoy them so how much.
19 Good luck."

20 There is one objection from
21 first initial C, Kernan, K-e-r-n-e-n, 1167
22 East Lake Drive, "Mr. Ted Audrey has owned
23 this property for over 30 years. I have
24 lived in the same house for almost 50 years,
25 eight doors away. Mr. Audrey has never taken

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1 care of his property, fence, weeds, never
2 cut" -- looks like weeds never cut -- "cut by
3 the city, when neighbors complain. Absentee
4 landowner."

5 That's it.

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CHAIRPERSON FERRELL: Okay.

Anything from the city?

MR. WALSH: No comments at this time. Thank you.

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

MR. GHANNAM: I just have a few questions.

If the applicant would just simply comment or respond to the two neighbors, if you don't mind, and their concerns.

MR. MAMOLA: The site plan has been engineered by Sibert Kiest (ph), Cliff Sibert specifically, for those of you who may not know, Cliff more than 30 years ago was the original author of the City of Novi storm water master plan. Very knowledgeable about storm drainage issues.

If you look at the site plan,

the area a little just south of the site there is a number of little lines connecting. I can't speak to the specific engineerings, but I know that there is -- the site drainage was a very high priority by the city engineering department. And there were a number of submissions and resubmissions and

8 dialogue about how to resolve and address the
9 proper site drainage for this and it was
10 finally addressed at the preliminary, and it
11 will go forward under review, under final
12 site plan review.

13 So it is a concern by the city
14 engineering department, and I believe that it
15 has been technically addressed.

16 It is a retention pond, so if
17 the water will storm into there when it does
18 storm, it will flow into there and slowly
19 drain off in a designed manner or fashion.

20 MR. GHANNAM: So it is currently
21 an existing problem, the drainage and now
22 this engineering --

23 MR. MAMOLA: Well, right now, the
24 site doesn't -- the design I'm talking about
25 is not there, of course. It has to go with
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1 the improvement of the parking lot.

2 MR. GHANNAM: That I understand.
3 As it exists right now, drainage is an issue
4 on the property?

5 MR. MAMOLA: According to the one
6 neighbor, it sounded like it was an issue --
7 it sounded like it might drain onto his
8 property. I don't believe it will from this
9 design on this parcel.

10 MR. GHANNAM: How about the noise
11 issue that they were --

12 MR. MAMOLA: I would assume and
13 presume that that is guided more by other
14 parts of the ordinance and may be more of an
15 enforcement factor.

16 Maybe Mr. Andris could talk
17 about the operation point of view of it and
18 what he intends to do during the summer
19 hours.

20 Ted?

21 CHAIRPERSON FERRELL: State and
22 spell your name for the court reporter.

23 MR. ANDRIS: My name is Ted
24 Andris, A-n-d-r-i-s, and I am owner of this
25 establishment. And I have owned the property

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1 around it for 35 years with my partner's
2 widow.

3 And it's kind of interesting
4 that the people who are complaining about the
5 noise never came to me. I know both of these
6 people. As a matter of fact, one of them I
7 consider a good friend, Dave Clark, and he's
8 never mentioned it's noisy or anything.

9 And it's totally never been
10 complained to me by any neighbor and the
11 other gentlemen, Mark, I believe, he's never

12 come over.

13 I mean, you would think
14 someone would address it. Somebody.

15 Nothing -- we only have a band
16 once in a while on a Saturday night and no
17 windows are open. The windows are all
18 closed.

19 So it's like that's the first
20 I have ever heard about a noise problem. I
21 know that they both complained about boats
22 being out on the lake in front of their home.
23 They were complaining about that before I
24 even bought this property and I think Dave
25 has even explained to me, you can't regulate

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1 the boats on the lake. It's everybody's
2 lake. And so that's that.

3 I consider the boats, and I
4 have said this to, Dave, are competition.
5 They're not going to come to our restaurant
6 if they are on a boat getting their drinks
7 from a party store and a cooler.

8 So, you know, if they were
9 banned from using the lake in that area,
10 selfishly speaking, I would be very happy,
11 but I know the boat -- I mean, it's got a
12 right to be there, too, so -- I could very
13 freely accept the boats not being there. It

14 would be a benefit.

15 So the noise has never been
16 brought up to my attention. The place looks,
17 in my opinion, 100 percent better, the food
18 is better. And the other lady who objected,
19 Mrs. Kernen, she owned the infamous Frigates
20 bar, which was there for 20 years, which had
21 a reputation nothing like ours. It was not a
22 restaurant, it was a flat-out bar. It had
23 motorcycles and all kind of noise going up
24 and down East Lake Drive.

25 This is perhaps more of an

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1 aggressive statement that I'm making, but
2 it's so contrary to what our communications
3 have been, that I'm compelled to say this,
4 and I'm shocked to hear that it's noise.

5 MR. GHANNAM: Your entertainment
6 will be on the inside?

7 MR. ANDRIS: Of course.

8 I mean, I get nothing but
9 compliments from the people in the area. So
10 I'm kind of like left with just that to say.

11 Any questions I will be glad
12 to answer.

13 CHAIRPERSON FERRELL: Thank you.
14 Anybody else on the board have any questions?

15 MS. GRONACHAN: Good evening. I

16 just want to clarify a couple of things.

17 I am concerned, as a board
18 member, we always take what the residents
19 have to say seriously and make sure that
20 things get worked out. I'm saddened to hear
21 that no one approached the owner.

22 I was there on Sunday. They
23 were weed whacking the weeds along the side
24 of the fence east of Fourteen Mile.

25 My question is, the driveway

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1 to the south, if you're on East Lake Drive,
2 the driveway on that side of the building,
3 that's the driveway that's going to stay or
4 that driveway is actually going to move?

5 MR. MAMOLA: Right now, I guess I
6 would describe it as a driveway slash parking
7 area. It's really hard to say what the
8 driveway is there.

9 All of that asphalt area that
10 you see there today will be removed. The
11 area of that -- there will be a driveway onto
12 East Lake Drive, you see the site plan
13 diagram, as far as to the south as we can
14 make it, yet still be compliant within the
15 lines of the property and so on.

16 There is a green area in there
17 that will help define the parking access and

18 the drive and there are landscape plans that
19 were submitted for approval previously that
20 will be up for enforcement as well as, too.

21 So there will be a defined
22 separate curb cut versus today where they're
23 dodge-em cars, I guess.

24 MS. GRONACHAN: So the lot to the
25 south again, I'm stumbling because it throws

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1 me off, the east, west part, but that --
2 where that driveway that I'm speaking of
3 earlier, that lot is going to be now part of
4 this property and that's where the expansion
5 for the parking is going to take place?

6 MR. MAMOLA: The parking and the
7 drainage ponds, et cetera, and some greenbelt
8 area, all occurs to the south.

9 Again, if you look at the
10 little diagram, there is kind of a lighter
11 gray parking area that surrounds the
12 building. That's pretty much the existing
13 parcel as it existed up until about two years
14 ago when Mr. Andris purchased the property
15 and it became one parcel.

16 So we are able now to expand
17 that driveway, you see kind of a light blue,
18 dark gray, light gray, dark gray, it kind of
19 straddles that previously existing parking

20 line, moves it a little bit to the south so
21 we can define a greater front yard greenbelt
22 area.

23 MS. GRONACHAN: The neighbor that
24 voiced his concerns about the drainage, he is
25 to the south of that, correct?

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1 MR. MAMOLA: Yes, ma'am.

2 MS. GRONACHAN: Are you familiar
3 with that property?

4 MR. MAMOLA: I am not very
5 familiar with the homeowner's property, no.

6 MS. GRONACHAN: I don't really
7 have a problem with this. I just hope that
8 someone -- I would almost like to put in
9 here, or mention to the other board members,
10 that that particular neighbor's concerns get
11 addressed, and that the city, once again,
12 looks at what he's saying about drainage.

13 As being a member on the board
14 previous and being a long time resident, I
15 know that there is a lot of water issues
16 here, and in the past, what we have said
17 won't happen, actually did happen, and not
18 through the petitioner's fault. I mean,
19 things with the rain, and I mean, look what
20 happened last night on 696, nobody knows for
21 sure.

22 So being that the resident
23 took time to voice his concerns and that
24 there is something going on there now, I
25 don't know how we can get that in here.

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1 So we may need help from
2 either counsel or the building department to
3 have this addressed for -- to make sure that
4 that water issue that's there now gets looked
5 at again. Am I saying it correctly?

6 MR. WALSH: Yes, you are. It
7 will be taken care of during the final
8 construction documents for the site plan,
9 from our engineering department.

10 MS. SAARELA: It's part of the
11 site plan review. The final site plan hasn't
12 been granted, that issue is still going to be
13 approved in the future.

14 MS. GRONACHAN: Is there some
15 recourse that the resident that voiced his
16 concern, he can stay on top of so this --
17 will someone visit him so this -- he was
18 talking about the extra pipes to carry the
19 water. Does he go see the building
20 department?

21 MS. SAARELA: He will be free to
22 call anyone in the building department
23 tomorrow or one of the engineers, Adam, would

24 be familiar with the issue.

25 MS. GRONACHAN: Okay. I

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1 apologize. I don't know the neighbor's name,
2 but I hope he heard that he can freely
3 contact the building department for those
4 additional questions.

5 That's all I have.

6 CHAIRPERSON FERRELL: Thank you.

7 MR. SANGHVI: Thank you,
8 Mr. Chair. I just had only one concern about
9 this.

10 This is about the sidewalk
11 around Fourteen Mile, going to be an issue
12 here in the planning department.

13 (Inaudible).

14 MR. GHANNAM: Mav, they can't
15 hear you.

16 MR. SANGHVI: I'll start again.
17 I have only one concern, that's about the
18 sidewalk along Fourteen Mile Road,
19 Mr. Mamola.

20 Would you like to address that
21 problem?

22 MR. MAMOLA: I can tell you that
23 there are some other pathway type amenities
24 along East Lake Drive, a bicycle lane as an
25 example. That was a part of the previous

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1 appeal to the city council to not put a
2 sidewalk on that part of East Lake Drive.
3 That would be on the --

4 MR. SANGHVI: I'm talking about
5 Fourteen Mile Road.

6 MR. MAMOLA: Fourteen Mile Road
7 there is a sidewalk that extends from East
8 Lake Drive all the way to the east to the end
9 of the property line. Yes, there is a full
10 length sidewalk proposed there.

11 MR. SANGHVI: That is going to
12 be eliminated?

13 MR. MAMOLA: Pardon me? I didn't
14 hear you.

15 MR. SANGHVI: According to this
16 plan, that sidewalk, that part of the
17 sidewalk is going to be eliminated?

18 MR. MAMOLA: There will be a
19 newly constructed sidewalk, if there is --
20 right now all we have is kind of rag tag
21 asphalt area to the north of the building.
22 That will come out and be cleaned up.

23 There will be a new sidewalk
24 constructed north of the building from the
25 driveway onto Fourteen Mile Road. There will

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1 be another sidewalk constructed from the

2 driveway extending eastward and connecting to
3 an existing sidewalk that's on the
4 neighboring parcel. So there will be a
5 continuous walkway from the apartment complex
6 east of us all the way to East Lake Drive.

7 Does that answer your
8 question?

9 MR. SANGHVI: Thank you.

10 CHAIRPERSON FERRELL: Anybody
11 else?

12 MR. GERBLICK: While I have heard
13 the concerns of the residents in the area, I
14 think the only issue in front of the board
15 tonight would be the front and sideyard
16 setbacks.

17 I don't believe we have the
18 ability to grant any changes on what the
19 planning commission and city engineering
20 department would be in charge of.

21 So with that in mind, I don't
22 have any problem with the front and sidewalk
23 setback variance requests in front of us.

24 All that's I'd like to say.

25 CHAIRPERSON FERRELL: Anybody

0031

1 else? Entertain a motion.

2 MR. GERBLICK: In Case No.

3 PZ14-0028, Sundance Grill and Cantina, I

4 grant that we grant the variances as
5 requested as there are unique circumstances
6 or physical conditions of the property, such
7 as the preexisting structure which exists and
8 the positioning of the current building, as
9 well as the entry points to the property.

10 This need is not self-created,
11 as the building is a preexisting,
12 non-conforming structure. And strict
13 compliance with regulations governing area
14 setback, frontage, height, bulk, density and
15 other dimensional requirements will
16 unreasonably prevent the property owner from
17 using the property for a permitted purchase.

18 The requested variance is the
19 minimum variance necessary to do substantial
20 justice to the applicant as well as other
21 property owners in the district and the
22 requested variance will not cause an adverse
23 impact on surrounding property, property
24 values and the use and enjoyment of the
25 property in the neighborhood or zoning

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1 district.

2 MR. GHANNAM: Second.

3 CHAIRPERSON FERRELL: Having a
4 motion and a second. Any further discussion?

5 (No audible response.)

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

MS. PAWLOWSKI: Member Gerblick?

MR. GERBLICK: Yes.

MS. PAWLOWSKI: Member Ghannam?

MR. GHANNAM: Yes.

MS. PAWLOWSKI: Member Gronachan?

MS. GRONACHAN: Yes.

MS. PAWLOWSKI: Member Ibe?

MR. IBE: Yes.

MS. PAWLOWSKI: Member Sanghvi?

MR. SANGHVI: Yes.

MS. PAWLOWSKI: Chairperson
Ferrell?

CHAIRPERSON FERRELL: Yes.

MS. PAWLOWSKI: Motion passes six
to zero.

MR. MAMOLA: Thank you.

CHAIRPERSON FERRELL: Case No.

PZ14-0029, 43655 West Oaks Drive, Home Goods.

Please state and spell your
name for the reporter and then be sworn in by
the secretary.

MR. DETERS: My name is Kevin
Deters from Metro Detroit Sign. My last name
is D-e-t-e-r-s.

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

MR. DETERS: Yes. Home Goods recently had a 65 square foot wall sign removed from their property. It was a neon sign. They're reworking the facade, and due to their setback off of West Oaks Drive and how their frontage is going to be sort of reconfigured and slightly longer horizontally, they're asking for more than a 65 square foot sign, which is what they had previously.

Obviously, it serves its purpose and Home Goods can still exist and be open with a conforming sign, but they just weren't happy with how small that sign would look on their new facade, which is in the process of being done right now, it's not complete.

I'm not sure if you all were able to head out to the site over the weekend and take a look at that, but we weren't able to put the mock sign above the center of the entrance of the facade.

They asked us not to because they're still doing work there, so we sort of put the mock banner off to the right, if

10 you're looking at the main entrance.

11 Home Goods' site doesn't
12 have -- or I should say, is set back farther
13 off of West Oaks Drive than maybe Carabba's
14 or Best Buy, which sort of neighbors that
15 property. Those kind of butt up closer to
16 the streets where traffic -- where the signs
17 would be visible from traffic.

18 So really, they're just
19 looking for something slightly larger than
20 what they had previously. They had a two and
21 a half foot letter set. We are proposing a
22 four foot vertical letter set.

23 If the board feels that that
24 is too extreme, then we would be -- they also
25 have a three and a half foot letter set

0035

1 that's available or a three-foot.

2 It's not like we are asking,
3 you know, hey, let us operate as a business.
4 I mean, we understand that they can still
5 operate with the conforming sign they just --
6 with the money and the efforts that they're
7 putting into redoing their facade, they would
8 like to upgrade their signage that they have.

9 It's going from neon to LED
10 and they would like to make it a little bit
11 larger, if they can.

12 I would be happy to answer any
13 questions.

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

17 (No audible responses.)

18 CHAIRPERSON FERRELL: Seeing
19 none, Mr. Secretary any correspondence?

20 MR. GHANNAM: There was 18 mailed
21 notices, one return mail, zero approvals,
22 zero objections.

23 CHAIRPERSON FERRELL: Okay.
24 Anything from the city?

25 MR. WALSH: No comments at this

0036

1 time.

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

4 MR. SANGHVI: Thank you,
5 Mr. Chair.

6 I did look at your new mockup
7 sign there. And I noticed you couldn't put
8 it where it belonged, so I understand that.

9 To me it didn't look too big
10 to look out from the roadway along there, and
11 I have no problem with that sign. Thank you.

12 MR. DETERS: Thank you.

13 CHAIRPERSON FERRELL: Anybody

14 else?

15 MR. IBE: Thank you. Sir, other
16 than the fact that Home Goods is not happy
17 with the sign they have, tell me what is --
18 what is the exceptional about your business
19 that is different from other businesses
20 located on the same strip, you know, which --

21 MR. DETERS: Right, I understand.
22 I understand that most, you know, if not all
23 businesses in that shopping center would have
24 the same issue, and you're absolutely
25 correct.

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1 So I'm not -- I'm not going to
2 try to pull the wool over your eyes here and
3 make up some sort of story about that.

4 MR. IBE: Please don't. Because
5 I don't want to catch you in a lie.

6 MR. DETERS: It's just basically
7 since they're redoing their facade, they're
8 upgrading to an LED sign instead of a neon
9 sign. They didn't think that their old sign
10 that was just under 65 square feet was quite
11 large enough. They wanted to try to get a
12 slightly bigger sign. Nothing absurd or
13 anything like that. But I'm not going to sit
14 here and say, you know, that Home Goods
15 plight as a business is any different than

16 Carabba's or Best Buy or Marshalls or
17 anything like that because it really isn't.

18 I can't speak for those
19 companies either, so I'm not going to try to
20 do that.

21 MR. IBE: I like your candor, by
22 the way. Thank you for being honest.

23 Just a quick follow-up. Tell
24 me, what will be -- assuming that we fail to
25 grant your request, will that prevent Home

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1 Goods from operating its business in the
2 normal course of the way they have been doing
3 it in the past?

4 MR. DETERS: I don't understand
5 the question. Say that again.

6 MR. IBE: If we were to deny your
7 request, will that prevent Home Goods from
8 operating its business in the normal course
9 of the way it's done business in the past?

10 MR. DETERS: No, they could still
11 be a functioning store.

12 MR. IBE: Home Goods is not
13 saying this is affecting customers from
14 finding them because I have been there quite
15 a few times and I know where it is.

16 MR. DETERS: Right. My response
17 to would be, you're a Novi resident. You're

18 familiar with that shopping center. Not
19 everyone is as familiar as you are with that
20 area. So you know the city, you're on the
21 board. You know, not everyone is as familiar
22 with the place as you are.

23 MR. IBE: So are you saying that
24 this sign should be visible from what, the
25 road?

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1 MR. DETERS: Not from Novi Road.
2 It can't be. It's just -- as you head --
3 what direction is that -- west, on West Oaks
4 Drive, the buildings I believe get slightly
5 farther and farther away from West Oaks
6 Drive.

7 So Carabba's and Best Buy that
8 are at the corner are closer to West Oaks
9 than, you know, what -- I believe Marshalls
10 is next door, that's a little bit farther,
11 then Home Goods is a little farther -- bit
12 farther back, so on and so on.

13 It kind of goes in a rounded
14 or a horseshoe shape.

15 That was my reason for
16 mentioning that earlier was that Home Goods
17 is set back slightly farther back off the road
18 than Carabba's and Best Buy and Marshalls
19 just because of the structure of the mall.

20 MR. IBE: All right. I must tell
21 you right now, sir, based on what I'm
22 hearing, and what I have read so far, I will
23 reserve judgment as to what I will do, but if I
24 were to make a decision based on the evidence
25 you presented, as well as the -- taking the

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1 language of the ordinance and applying it
2 strictly, I certainly will not be in support
3 of this. Thank you.

4 MR. DETERS: Go ahead.

5 CHAIRPERSON FERRELL: Question
6 for the city. Is other businesses, are they
7 all in compliance with the 65 square feet?

8 MR. WALSH: Basically, yes.
9 There are some signs in there that have been
10 in front of the board, that this board has
11 granted some variances, but the majority of
12 the signs are about 65 square feet. Thank
13 you.

14 CHAIRPERSON FERRELL: Thank you.
15 Anybody else?

16 MS. GRONACHAN: Good evening. I
17 do believe that what you're asking for is too
18 big. However, when driving into West Oaks, I
19 understand what your point is in regards to
20 not everybody is from Novi.

21 We are close to the Suburban

22 Showplace, people come from out of town, they
23 want to go shopping. But Home Goods does
24 have a sign at the corner of West Oaks and
25 Novi Road. So that helps identify that it's
0041

1 within that complex somewhere.

2 However, I don't believe that
3 the old sign was big enough, given the
4 conformity or the layout of that complex.

5 And I do agree with you that
6 when you're driving down West Oaks that
7 visibility, if you're trying to look for it,
8 plus it's not the easiest road to drive
9 through because people are -- they're not
10 really -- they're all looking for stores,
11 they're not really paying attention or
12 they're trying to get to their destination,
13 which could be Gander or Best Buy or
14 whatever.

15 So I believe that there should
16 be a bigger sign, but I don't believe that it
17 should be a four-inch letter. I think that
18 the mockup is way too big.

19 And my suggestion, especially
20 since I heard you something about a
21 three-foot, I would almost be in support of
22 that given my -- given the reasons that I
23 stated.

24

And that is the distance, as

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you mentioned earlier, the further you drive

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in, the building is further away, they're

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doing new landscaping there, it's difficult

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to see, but I don't think four feet is -- I

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think that's too excessive.

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MR. DETERS: Okay. Actually a

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three-foot letter set would put them back at

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62, 63 square feet, that's basically what

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they had before, more or less.

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MR. GHANNAM: I got a comment on

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that. That's what I'm trying to figure out.

11

You say that if you are given

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three-foot letters, at least in height, you

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would be given a 79.5-foot --

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MR. DETERS: That's if you use

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the same horizontal measurement as a

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four-foot set.

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MR. GHANNAM: But that's what the

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City of Novi does, does it not? That's how

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they calculate square footage. You have been

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before us before, have you not?

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MR. DETERS: Yes, but what I'm

22

saying is a three-foot letter set does not

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have the same horizontal measurement as the

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four-foot letter set does.

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MR. GHANNAM: There you go. What

0043

1 does it have? That was my next question.

2 You showed that it's 26 and a
3 half foot in length, four-foot height of this
4 letter set.

5 MR. DETERS: The three-foot
6 letter set has a horizontal measurement of
7 20-foot 10 inches.

8 MR. GHANNAM: Twenty foot --

9 MR. DETERS: Twenty foot 10
10 inches. That's 63 square feet, when you do
11 three by 20-foot by 10.

12 Which is comparable to the
13 sign that they had before.

14 There is also a three-foot,
15 three and a half foot letter set, which the
16 horizontal measurement is 24-foot four
17 inches, which gives you total area of about
18 86, just under 86 square feet. It's 85
19 point --

20 MR. GHANNAM: That's three and a
21 half?

22 MR. DETERS: Three and a half by
23 24-foot, four inches is the next smaller
24 letter set that Home Goods has.

25 And unfortunately we have to

0044

1 conform to some custom sign designs that they

2 already have. We can't make a Home Goods
3 sign, you know, specific to a certain height
4 and width because it's a corporation.

5 So they have a certain set of
6 designs that they have to maintain in order
7 to stamp the Home Goods name on that store.

8 MR. GHANNAM: I appreciate you
9 telling me. It is a chain and they have,
10 you're saying three different sets of
11 letters?

12 MR. DETERS: Yes.

13 MR. GHANNAM: So the question is,
14 if you go down to a three-foot, it's going to
15 basically comply with our ordinances. It
16 will be just under the 63?

17 MR. DETERS: Correct.

18 MR. GHANNAM: If you go to three
19 and a half, you said it will be about 85
20 point --

21 MR. DETERS: It's 85 point
22 something. It's just under 86. I don't know
23 if it's 85.2 or --

24 MR. GHANNAM: Then the four-foot
25 goes to 104, which is almost double what our

0045

1 ordinance requires -- or limits?

2 MR. DETERS: Right.

3 MR. GHANNAM: With those types of

4 analyses, again, just my personal opinion, I
5 do agree that 104 is excessive. I have been
6 by that place a million times. I never
7 really had a problem seeing it. But I don't
8 think some relief would be harmful,
9 especially given that particular shopping
10 district, so I would be in support of the
11 three and a half by whatever you said the
12 length is.

13 MR. DETERS: I believe it's 24
14 foot 4 inches, but it's just under 86.

15 MR. GHANNAM: I would be in
16 support of then a variance to have you
17 construct a sign up to let's say 86 feet,
18 would that make sense?

19 MR. DETERS: Sure. Could we make
20 it 87. I might be just under.

21 MR. GHANNAM: That's not a
22 problem with me. You do have to make sure,
23 you know, you're still in compliance instead
24 of coming to that.

25 That is what I would be in

0046

1 support. I think some relief is appropriate.

2 MR. DETERS: I understand, and I
3 think Home Goods would be ecstatic about
4 that.

5 MR. GHANNAM: I'll go ahead and

6 make a motion if no one else has any
7 questions.

8 In Case PZ14-0029, for Home
9 Goods at 43655 West Oaks, I move that we
10 grant the petitioner a variance to construct
11 a sign no greater than 87 square foot
12 limiting it to this particular tenant only
13 during its tenancy.

14 The request is based on
15 circumstances or features that are
16 exceptional and unique to the property.
17 Specifically this is a unique shopping
18 district in Novi, that is very well-known and
19 well traveled.

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

25 And the grant of relief will

0047

1 not result in the use of a structure that is
2 incompatible or unreasonably interferes with
3 adjacent or surrounding properties and will
4 result in substantial justice being done to
5 the applicant and surrounding properties.

6 MS. GRONACHAN: Second.

7 CHAIRPERSON FERRELL: We have a

8 motion and a second. Any further discussion?

9 (No audible responses.)

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

12 MS. PAWLOWSKI: Member Gerblick?

13 MR. GERBLICK: Yes.

14 MS. PAWLOWSKI: Member Ghannam?

15 MR. GHANNAM: Yes.

16 MS. PAWLOWSKI: Member Gronachan?

17 MS. GRONACHAN: Yes.

18 MS. PAWLOWSKI: Member Ibe?

19 MR. IBE: Yes.

20 MS. PAWLOWSKI: Member Sanghvi?

21 MR. SANGHVI: Yes.

22 MS. PAWLOWSKI: Chairperson

23 Ferrell?

24 CHAIRPERSON FERRELL: Yes.

25 MS. PAWLOWSKI: Motion passes six

0048

1 to zero.

2 MR. DETERS: Thank you.

3 CHAIRPERSON FERRELL: Case No.
4 PZ14-0030, 27225 Wixom Road, Catholic Central
5 High School.

6 Please state and spell your
7 name for the reporter.

8 MR. WOZNIAK: My name is Andy

9 Wozniak, A-n-d-y, W-o-z-n-i-a-k. We are

10 working with Catholic Center.

11 CHAIRPERSON FERRELL: Raise your
12 right hand and be sworn in by the secretary.

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

15 MR. WOZNIAK: I do. I'm a civil
16 engineer and we are working with Catholic
17 Central on this project.

18 With me tonight is Michael
19 Wilson from Catholic Central and Greg Kritzer
20 (ph), who will be working on this project.

21 CC is proposing a new parking
22 lot on the campus, and it's 288 spaces, and
23 they're in desperate need of a parking lot
24 for student and event parking.

25 The final site plan was

0049

1 approved by the city subject to ZBA issuing
2 the variance for a rear yard setback.

3 We are seeking this variance
4 tonight. CC owns a total of four parcels.
5 There is the main campus and that little arm
6 that goes to the north and then three parcels
7 located north of the main campus.

8 To avoid a variance during the
9 approval process, CC proposed combining all
10 four parcels into one.

11 At that time, we were informed

12 by city assessing department that that
13 couldn't be done because the three northern
14 parcels are in the Lyon school district, and
15 the south main campus is in the Novi school
16 district.

17 As an alternative, we have
18 since applied to combine the three north
19 parcels into one parcel that's in front of
20 assessing right now. And the south parcel
21 would remain a separate parcel. The setback
22 in question is basically the line between the
23 main campus and the north property.

24 It's essentially an interior
25 property line. Again, it would be combined

0050

1 if we could, but because of the school
2 districts, we can't.

3 Without this variance, the
4 parking lot, as its proposed and approved,
5 subject to your variance, cannot be built.
6 CC really needs this parking and we request
7 that you grant this variance.

8 Have any questions, I can
9 answer them.

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

13 (No audible responses.)

14 CHAIRPERSON FERRELL: Seeing
15 none, Mr. Secretary any correspondence?

16 MR. GHANNAM: We have six mailed
17 notices, two return mail, zero approvals,
18 zero objections.

19 CHAIRPERSON FERRELL: Anything
20 from the city?

21 MR. WALSH: No comments.

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

24 MR. GHANNAM: Sir, I have taken a
25 look at this proposal and actually have been

0051

1 there many times for events.

2 And although I don't know what
3 your maximum capacity is when you have
4 football and so forth, those type of events,
5 I'm sure you need it. Certainly it doesn't
6 affect any of your neighbors.

7 I mean, this is an interior
8 material lot. School always need more
9 parking for students. You know, I have no
10 problem with this, so I will be in support of
11 it.

12 CHAIRPERSON FERRELL: Anybody
13 else?

14 MR. SANGHVI: Just one question.
15 How many trees are you going to cut?

16 MR. WOZNIAK: What's that?

17 MR. SANGHVI: How many trees are
18 you likely to cut?

19 MR. WOZNIAK: I think there is
20 eight regulated trees that are going to be
21 taken down and then replanted with --

22 MR. SANGHVI: Are you going to
23 plant something?

24 MR. WOZNIAK: We have to plant --
25 whatever the tree count is, two for one or

0052

1 whatever. We have been approved for --

2 CHAIRPERSON FERRELL: Thank you.
3 Anybody for a motion?

4 MR. GERBLICK: I move that in
5 Case PZ14-0030, Catholic Central High School,
6 we grant the variance as requested, as there
7 are unique circumstances and physical
8 conditions of the property due to the
9 interior property line that the setback is
10 infringing.

11 The need is not self-created
12 and strict compliance with regulations would
13 be unnecessarily or unreasonably -- would not
14 unreasonably prevent the property owner from
15 using the property for a permitted purpose.

16 The requested variance is the
17 minimum variance necessary to do substantial

18 justice to the applicant as well as other
19 property owners in the district, and the
20 requested variance is not or will not cause
21 an adverse impact on surrounding property,
22 property values or the use and enjoyment of
23 the neighborhood or zoning district.

24 MS. GRONACHAN: Second.

25 CHAIRPERSON FERRELL: Seeing a

0053

1 motion and a second. Any further discussion?

2 (No audible responses.)

3 CHAIRPERSON FERRELL: Seeing

4 none, Ms. Pawlowski can you call the roll.

5 MS. PAWLOWSKI: Member Gerblick?

6 MR. GERBLICK: Yes.

7 MS. PAWLOWSKI: Member Ghannam?

8 MR. GHANNAM: Yes.

9 MS. PAWLOWSKI: Member Gronachan?

10 MS. GRONACHAN: Yes.

11 MS. PAWLOWSKI: Member Ibe?

12 MR. IBE: Yes.

13 MR. GHANNAM: Member Sanghvi?

14 MR. SANGHVI: Yes.

15 MS. PAWLOWSKI: Chairperson

16 Ferrell?

17 CHAIRPERSON FERRELL: Yes.

18 MS. PAWLOWSKI: Motion passes six

19 to zero.

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MR. WOZNIAK: Thank you.

Moving onto Case No. PZ-
14-0031, 21050 Haggerty Road, McDonald's
restaurant.

Please state and spell your
name for the reporter.

MR. PALAZZOLO: Dominic
Palazzolo, D-o-m-i-n-i-c, P-a-l-a-z-z-o-l-o.

MR. GHANNAM: Raise your right
hand. Do you swear or affirm in this case to
tell the truth?

MR. PALAZZOLO: Yes, I do.

I'm speaking on behalf of
McDonald's. We are requesting a variance to
get a -- actually two wall logos added to the
building facade.

The new configuration of the
building runs horizontal with Haggerty Road,
which has caused a little bit of a lack of
identification on that side of the road.

The only sign that we have
actually permitted right now is the one end
logo facing that side of the road.

We are actually square footage
wise allowed up to 65 square foot for one
wall sign. But as far as the code goes, we
are only allowed two building signs all

22 together.

23 What we are proposing for the
24 three logos would be one on the north side of
25 the building and one on the south side of the

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1 building to pick up flow of traffic on
2 Haggerty Road.

3 The additional signage that we
4 are asking for is actually under the square
5 footage maximum allowance. All three logos
6 only equal up to about 42 square feet. It's
7 basically just taking it and spreading it
8 around the building is what we are trying to
9 do.

10 We are also asking to add one
11 more directional sign at the road right
12 adjacent from the one that's already approved
13 on the opposite side of the driveway which
14 comes out to about three square feet total.

15 So all in all we are actually
16 about 20 square feet under the maximum
17 allowance. It's just a matter of placement
18 on the building.

19 CHAIRPERSON FERRELL: Thank you.
20 Anybody in the audience have any questions or
21 comments?

22 (No audible responses.)

23 CHAIRPERSON FERRELL: Seeing

24 none. Go ahead and read the correspondence.

25 MR. GHANNAM: We have 15 mailed

0056

1 notices, zero returns, zero approvals, zero
2 objections.

3 CHAIRPERSON FERRELL: Anything
4 from the city?

5 MR. WALSH: No comments.

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

8 MR. GHANNAM: I have no problem
9 with this, sir. I know you are
10 reconstructing the building. I know we
11 granted variances for the Taco Bell nearby.

12 It's always difficult to try
13 to retrofit a brand new building under old
14 ordinances and so forth. Yet other
15 ordinances, when it was originally built, now
16 you have new.

17 But clearly it's one of the
18 most busiest intersections we have got in
19 this area and probably in the state. I drive
20 by every single day. You do need some
21 assistance, so I have no problem with this.

22 MR. PALAZZOLO: Thank you.

23 CHAIRPERSON FERRELL: Anybody
24 else? Hear a motion.

25 MR. IBE: I will take it. In

0057

1 Case No. PZ14-0031, McDonald's restaurant at
2 21050 Haggerty Road, I move that we grant the
3 petitioner's request as requested, for the
4 following reasons.

5 One, the request is based upon
6 circumstances and features that are
7 exceptional and unique to the property and do
8 not result from conditions that exist
9 generally in the city or that are
10 self-created.

11 This particular establishment
12 is located in a very busy street, and busy
13 intersection for that matter.

14 Driving either
15 (unintelligibility) on Haggerty, you can
16 almost pass it before you realize it's right
17 there. So I think the additional signage
18 will obviously be appropriate here.

19 Second, the failure to grant
20 relief will unreasonably prevent the limited
21 use of this property, and last but not least,
22 the grant of relief will not result in the
23 use of the structure that is incompatible or
24 unreasonably interferes with adjacent or
25 surrounding properties.

0058

1 And let me state that the

2 surrounding properties that -- McDonald's is
3 also a restaurant, like with Taco Bell, we
4 have had to grant a variance in the past to
5 also help out with visibility and the
6 granting of this relief is consistent with
7 this spirit of the ordinance.

8 MS. GRONACHAN: Second.

9 CHAIRPERSON FERRELL: Seeing a
10 motion and a second, any further discussion?

11 (No audible responses.)

12 CHAIRPERSON FERRELL: Ms.
13 Pawlowski, can you call the roll, please.

14 MS. PAWLOWSKI: Member Gerblick?

15 MR. GERBLICK: Yes.

16 MS. PAWLOWSKI: Member Ghannam?

17 MR. GHANNAM: Yes.

18 MS. PAWLOWSKI: Member Gronachan?

19 MS. GRONACHAN: Yes.

20 MS. PAWLOWSKI: Member Ibe?

21 MR. IBE: Yes.

22 MS. PAWLOWSKI: Member Sanghvi?

23 MR. SANGHVI: Yes.

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

0059

1 MR. PALAZZOLO: Thank you.

2 CHAIRPERSON FERRELL: Moving onto
3 Case No., PZ14-0032, 43700 Galway Drive.

4 Please come up and state and
5 spell your name for the reporter.

6 MR. BOUSQUET: Jack Bousquet,
7 J-a-c-k, B-o-u-s-q-u-e-t.

8 MS. BOUSQUET: And Joyce,
9 J-o-y-c-e, same last name.

10 CHAIRPERSON FERRELL: Raise your
11 right hand and be sworn in by the secretary.

12 MR. GHANNAM: Do you both
13 solemnly swear or affirm to tell the truth?

14 MR. BOUSQUET: Yes.

15 MS. BOUSQUET: Yes.

16 MR. BOUSQUET: We want to put a
17 covered front porch on the front of our house
18 on Galway.

19 We have been there since 1971,
20 and all the other homes -- or some of the
21 other colonials in the area have them.

22 We have decided we are at the
23 age now we can enjoy our front porch, but
24 it's not covered currently.

25 These are two homes in the

0060

1 area that are already covered and then ours
2 is the one that's not.

3 There is a front porch there
4 right now, cement porch, which I understand
5 doesn't enter into the setback dimension.

6 And therefore, by putting a covered porch on,
7 I would be infringing on the setback by a few
8 feet.

9 Our house also, even though
10 we're -- our setback is 30 feet from the lot
11 line, we also have an extra wide area between
12 our lot line and the street, which is about
13 20 feet for most of the homes, the next
14 street are just -- those other two pictures,
15 those homes are -- only have about four or
16 five feet between the sidewalk and the
17 street.

18 So our house actually sets
19 further from the street than the 30-foot
20 setback required.

21 Other than that, we want to
22 enjoy the front porch and can't right now
23 when it's raining.

24 CHAIRPERSON FERRELL: Thank you.
25 Anybody in the audience have any questions or

0061
1 comments pertaining to this case?

2 (No audible responses.)

3 CHAIRPERSON FERRELL:

4 Mr. Secretary, any
5 correspondence?

6 MR. GHANNAM: We have 27 mailed
7 notices, one returned, zero approvals, zero

8 objections.

9 CHAIRPERSON FERRELL: Anything
10 from the city?

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

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

15 MR. SANGHVI: Thank you,
16 Mr. Chair.

17 I came and looked at your
18 property a couple of days ago. Actually I
19 was quite surprised that your colonial
20 doesn't have a porch in the front. Most of
21 the colonials do have that, and if you want
22 to have it, I have no problem with it.

23 Thank you.

24 MR. BOUSQUET: Thank you.

25 CHAIRPERSON FERRELL: Anybody

0062

1 else?

2 MR. GERBLICK: I have a question
3 for the city. Is the setback as is a
4 non-conforming structure on the property
5 line?

6 MR. WALSH: That is correct.
7 It's 29.6, as it, you know, sits today,
8 30 feet is the minimum.

9 MR. GERBLICK: Thank you.

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CHAIRPERSON FERRELL: Anybody

else?

Entertain a motion.

MR. GERBLICK: In Case No.

PZ14-0032, 43700 Galway, I move that we grant the variance as requested, as there are unique circumstances or physical conditions of the property, as the setback is currently non-conforming and the shape of the lot and the existing structure would not impede on any setback of the surrounding properties.

The need is not self-created.

Strict compliance with regulations governing area setback, frontage, height, bulk, density or other dimensional requirements will unreasonably prevent the property owner from

using the property for a permitted purpose or 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 surrounding property owners in the district, and the requested variance will not cause an adverse impact on surrounding property, property values or use and enjoyment of the property in the neighborhood.

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MS. GRONACHAN: Second.

CHAIRPERSON FERRELL: We have a motion and a second. Any further discussion?

(No audible responses.)

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

MS. PAWLOWSKI: Member Gerblick?

MR. GERBLICK: Yes.

MS. PAWLOWSKI: Member Ghannam?

MR. GHANNAM: Yes.

MS. PAWLOWSKI: Member Gronachan?

MS. GRONACHAN: Yes.

MS. PAWLOWSKI: Member Ibe?

MR. IBE: Yes.

MS. PAWLOWSKI: Member Sanghvi?

MR. SANGHVI: Yes.

MS. PAWLOWSKI: Chairperson Ferrell?

CHAIRPERSON FERRELL: Yes.

MS. PAWLOWSKI: Motion passes six to zero.

MR. BOUSQUET: Thank you very much.

CHAIRPERSON FERRELL: Case No. PZ14-0033, 44480 West Eleven Mile Road.

Please state and spell your name for the reporter.

14 MR. KLOCKE: Yes, my name is
15 Glenn Klocke, G-l-e-n-n, K-l-o-c-k-e.

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

18 MR. KLOCKE: I do.

19 I'm requesting a front and
20 sideyard setback, a variance for the setback.

21 The front setback, if you have
22 gone by the property, we had a fire nine
23 months ago, and just have settled with the
24 insurance company, so now we are ready to put
25 it back together. That's why it's sitting in

0065

1 the condition that it is for so long.

2 I have pulled a permit for it
3 sometime ago. And had hoped to start way
4 before this, but the insurance company, we
5 had to take them to arbitration and it is
6 settled now.

7 I'm requesting a front yard
8 setback no further than what I have already
9 on the garage side. I'm asking to bump that
10 out on the front and make a little jog in
11 there, esthetically to make it more appealing
12 from the road, is what I'm trying to do.

13 I want to stone the other
14 side, like I've got on the garage, put a
15 double gable there, and some shakes, across

16 the front there and dress up the front of the
17 house so it doesn't look so flat and bland
18 right now.

19 The sideyard setback is due
20 to -- I want to add onto the bedroom section
21 there. That was a two bedroom home. I have
22 two children that live with me. I have taken
23 care of over the years. I have taken care of
24 my mother who passed away there with us and
25 along with a grandfather, all four of us --

0066

1 five of us lived in that home with two
2 bedrooms.

3 And I want to make it -- I
4 want to make it handicap compliant because I
5 realize after taking care of two people like
6 that, bringing in hospital bed, when there
7 wasn't room for them, doorways that wouldn't
8 fit, access around the bed, when they brought
9 equipment in to take care of when they were
10 under Hospice care, so I want make sure that
11 this -- if I do this, I have got enough room
12 for -- to take care of my now in-laws who
13 just moved back from Phoenix or back from
14 Arizona and are getting up in age, too.

15 So that's why I'm asking for a
16 little extra room on the side setback.

17 CHAIRPERSON FERRELL: Thank you.

18 Anybody in the audience have questions or
19 comments?

20 (No audible responses.)

21 CHAIRPERSON FERRELL: Seeing
22 none, correspondence?

23 MR. GHANNAM: We have 16 mailed
24 notices, zero returns, two approvals, one
25 objection.

0067

1 The first approval is from
2 Joshua Glass, 44490 West Eleven Mile Road,
3 and he circled the word approval.

4 The second approval is from
5 Donna Melonio, M-e-l-o-n-i-o, 26105 Laneez
6 (ph) Road. It indicates "we have no
7 objections to this variance request".

8 One objection is from Joanne
9 Ward, W-a-r-d, 47460 Eleven Mile Road, it
10 says as follows, "an ordinance is an
11 ordinance to be obeyed by all Novi citizens.
12 If each request for an ordinance is approved,
13 then all ordinances should be abolished."

14 That's it.

15 CHAIRPERSON FERRELL: Anything
16 from the city?

17 MR. WALSH: Just one comment.
18 Looking at the floor plan, GA A1, it appears
19 that the existing garage is going to be

20 removed based on the dash lines.

21 I just want to make sure it's
22 clear with the applicant, the garage is going
23 to remain?

24 MR. KLOCKE: Yes, absolutely.

25 MR. WALSH: That's all I have.

0068

1 MR. KLOCKE: I'd like to make it
2 bigger, but --

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

5 MR. SANGHVI: Thank you,
6 Mr. Chair. I came and looked at your
7 property on Sunday morning. Looked around,
8 when did you have a fire there?

9 MR. KLOCKE: September 24th of
10 last year.

11 MR. SANGHVI: Well, I'm sorry to
12 hear that you had a fire. Maybe it was a
13 blessing so you can make an improvement.

14 MR. KLOCKE: Well, that's not
15 what I was hoping for, but --

16 MR. SANGHVI: I am happy to learn
17 you are planning to help parents out, too.

18 MR. KLOCKE: We have done it and
19 know it will happen again. You know, we are
20 just --

21 MR. SANGHVI: You need an

22 expansion and I have no problem with it.

23 Thank you.

24 CHAIRPERSON FERRELL: Hear a
25 motion. Any further discussion?

0069

1 MR. IBE: In Case PZ14-0033,
2 44480 West Eleven Mile Road, I move that we
3 grant the applicant's request as requested.

4 First there are unique
5 circumstances of the physical conditions of
6 this property, such as the shape and the
7 topography of this physical condition. And a
8 need for a variance is not due to the
9 applicant's own personal economic difficult.

10 In other words, the need is
11 not self-created. The applicant has
12 obviously eloquently talked about how they
13 have cared for elderly relatives in the past,
14 and will be carrying for the elderly
15 relatives in the future.

16 And the fact that he will be
17 make this basically more handicap accessible
18 is very -- I think very important. And
19 currently the way the building is situated,
20 it makes it difficult for you to meet the
21 need of the occupants, who obviously happen
22 to be the applicant.

23 Strict compliance with

24 regulation governing the area setback,
25 frontage, height, bulk, density or

0070

1 dimensional requirements will obviously
2 prevent -- unreasonably prevent the property
3 owner from using the property for a permitted
4 purpose.

5 The requested variance is the
6 minimum variance that is necessary to do
7 substantial justice to the applicant as well
8 as to other property owners in the district.

9 Granted there was one
10 objection, but I think that the need for it
11 far outweighs the concerns that were raised
12 by the sole objection that we had.

13 And finally the requested
14 variance will not cause an adverse impact on
15 surrounding property and property values or
16 the use and enjoyment of other companies in
17 the neighborhood.

18 In fact, I think that the
19 improvement to this property will, in fact,
20 enhance the property and also increase the
21 property values in the area, so kudos to you,
22 sir, for making an improvement.

23 Based on all of this, I
24 therefore move that we grant the petitioner's
25 request.

0071

1 MR. SANGHVI: Second.

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

4 (No audible responses.)

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

7 MS. PAWLOWSKI: Member Gerblick?

8 MR. GERBLICK: Yes.

9 MS. PAWLOWSKI: Member Ghannam?

10 MR. GHANNAM: Yes.

11 MS. PAWLOWSKI: Member Gronachan?

12 MS. GRONACHAN: Yes.

13 MS. PAWLOWSKI: Member Ibe?

14 MR. IBE: Yes.

15 MS. PAWLOWSKI: Member Sanghvi?

16 MR. SANGHVI: Yes.

17 MS. PAWLOWSKI: Chairperson

18 Ferrell?

19 CHAIRPERSON FERRELL: Yes.

20 MS. PAWLOWSKI: Motion passes six
21 to zero.

22 MR. KLOCKE: Thank you.

23 CHAIRPERSON FERRELL: Moving onto

24 Case No. PZ14-0034, Lot 15, Pioneer Meadows,

25 Lot 15, Parcel Number 50-22-21-101-001.

0072

1 State and spell your name for

2 the reporter.

3 MS. MCHUGH: My name is Charlene
4 McHugh, C-h-a-r-l-e-n-e, M-c-h-u-g-h.

5 MR. GHANNAM: Raise your right
6 hand, please. Do you swear or affirm to tell
7 the truth in this case?

8 MS. MCHUGH: I do. My husband
9 and I have purchased the four lots on Beck
10 Road right near Eleven Mile Road and lot 15
11 that we are talking about right now is very
12 long and narrow.

13 And the variance that was
14 requested that was requested and approved
15 last September of 2013 allowed a house
16 25 feet wide to be built on that lot.

17 We are requesting a variance
18 to a build a 30-foot wide.

19 And the reason for that is
20 that a lot -- a house 25 feet wide would be
21 odd in that location. I think it would deter
22 from the home values in the area.

23 I think by adding five feet
24 more to the east it would not cause any
25 hardship because the lot to the east of us is

0073

1 actually a double wide lot and their house
2 impinges on the second lot, so they could not
3 sell the lot directly to the east anyway, so

4 they use that lot as part of their building
5 footprint.

6 But a 25-foot wide house is a
7 very odd shape house, where 30-foot allows us
8 to be more, I believe, esthetically pleasing
9 to the environment. And so that's why we are
10 hoping to build a 30-foot wide house there.

11 CHAIRPERSON FERRELL: Thank you.

12 MS. MCHUGH: I did include in the
13 stuff I sent you the plot plan and the
14 footprint and the overview of the four lots
15 that we purchased so you can see that the lot
16 next to us will not be negatively impeded by
17 setting that setback.

18 And I also have a letter that
19 I included hopefully in your lot from the
20 Pioneer Meadows subdivision approving of this
21 variance, which is basically 10-foot to the
22 east.

23 So it's one of the lots in
24 Pioneer Meadows and the Pioneer Meadows
25 subdivision approved of this variance

0074

1 request.

2 CHAIRPERSON FERRELL: All set.

3 Thank you. All right.

4 Anybody in the audience have
5 any questions?

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Seeing none, correspondence?

MR. GHANNAM: We have 16 mailed notices, three returned mailed notices, zero objections, zero approvals.

CHAIRPERSON FERRELL: Anything from the city?

MR. WALSH: No comments at this time.

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

MR. SANGHVI: Thank you.
(Inaudible).

THE REPORTER: I can't hear you.

MR. SANGHVI: Start again.

Such a narrow place that you can't build anything worth while without the variance that I can understand why you need them.

I have no difficulty in supporting your request. Thank you.

CHAIRPERSON FERRELL: Anybody else?

MS. GRONACHAN: I agree. I think that this is a minimum request, based on the information that you provided in your packet, and to the conformity of this particular lot, I would support this request.

8 MR. GERBLICK: I notice in your
9 application you were also looking for us to
10 extend the one year requirement to remain
11 down to 18 months.

12 MS. MCHUGH: That's because the
13 previous variance allowed us to break ground
14 by March 1st and we are hoping to do that,
15 but we can't gauge what the winter is going
16 to do.

17 So we would like another six
18 months extension on the previous variance so
19 we have the allowance to break ground in the
20 spring, assuming we may have a harder than
21 normal springtime.

22 In other words, the previous
23 variance allowed us to build a house but we
24 had to break ground before March 1st.

25 And according to the builder

0076

1 that we have looked at, he said we are
2 looking for February 1st, but we can't
3 predict what the winter is going to do, so we
4 may need another month or two to break ground
5 and the previous variance would not allow
6 that, so assuming you did not grant the
7 variance today, then the previous variance to
8 allow a 25-foot house would expire on
9 March 1st.

10 MR. GERBLICK: Question for the
11 city. With the grant of this variance would
12 they then get a full year from the grant of
13 this variance to break ground?

14 MR. WALSH: Eighteen months,
15 because if you grant the request for 18
16 months, it would start from today. But if
17 you don't grant the 18 month, it will be a 12
18 month period from today.

19 MR. GERBLICK: Okay.

20 MS. MCHUGH: We would be okay
21 with 12 months. We plan to break ground in
22 the spring. With a 30 foot wide house, we
23 just want a little pencil house, you know.

24 MS. GRONACHAN: Can I just
25 clarify.

0077

1 So the previous variance that
2 expires on March 1st, 2015, that expires --
3 if once we vote on this variance, that's what
4 I think -- that's what you were trying to
5 clarify?

6 MR. GERBLICK: Yes.

7 MR. WALSH: This would supercede
8 the variance granted last year.

9 MS. GRONACHAN: Then she would
10 not need an extension for 18 months?

11 MR. WALSH: That's correct.

12 MS. GRONACHAN: Thank you for
13 that clarification.

14 CHAIRPERSON FERRELL: Anybody
15 else or a motion?

16 MR. GERBLICK: Case No.
17 PZ14-0034, I move that we grant the variance
18 for the minimum front yard setback and
19 minimum rear yard setback and the aggregate
20 sideyard setback as requested as there are
21 unique circumstances or physical conditions
22 of the property as the lot is significantly
23 smaller than the current zoning district and
24 it's a non-conforming lot within the zoning
25 district. And the need is not self-created.

0078

1 The variance is the minimum
2 variance necessary to do substantial justice
3 to the applicant as well as other property
4 owners in the district.

5 And the variance will not
6 cause an adverse impact on surrounding
7 property, property values and the use and
8 enjoyment of the property in the neighborhood
9 or zoning district.

10 MS. GRONACHAN: Second.

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

13 MR. SANGHVI: Did you want 18

14 months or just 12 months?

15 MR. IBE: Twelve months.

16 CHAIRPERSON FERRELL: I'm okay

17 with that. Did you say 12 months?

18 MR. GERBLICK: I didn't. I

19 didn't. On the period of time since -- from

20 the grant of today it will be a 12 month

21 extension.

22 CHAIRPERSON FERRELL: Ms.

23 Pawlowski, can you call the roll.

24 MS. PAWLOWSKI: Member Gerblick?

25 MR. GERBLICK: Yes.

0079

1 MS. PAWLOWSKI: Member Ghannam?

2 MR. GHANNAM: Yes.

3 MS. PAWLOWSKI: Member Gronachan?

4 MS. GRONACHAN: Yes.

5 MS. PAWLOWSKI: Member Ibe?

6 MR. IBE: Yes.

7 MS. PAWLOWSKI: Member Sanghvi?

8 MR. SANGHVI: Yes.

9 MS. PAWLOWSKI: Chairperson

10 Ferrell?

11 CHAIRPERSON FERRELL: Yes.

12 MS. PAWLOWSKI: Motion passes six

13 to zero.

14 MS. MCHUGH: Thank you very much.

15 CHAIRPERSON FERRELL: Other

16 matters? Case one, are we tabling that case?

17 MR. IBE: I think it's been
18 tabled before.

19 MS. PAWLOWSKI: It has been
20 tabled twice. They have been contacted.
21 They just have not responded.

22 MS. SAARELA: It depends what you
23 want to do. If you want to table it, move to
24 table it.

25 If you want to deny it, you

0080

1 are going to have to go through the factual
2 motion of why you're denying it, that they
3 didn't meet the standards.

4 CHAIRPERSON FERRELL: Somebody
5 want to do a motion for either one?

6 MS. GRONACHAN: Did we hear from
7 them at all?

8 MS. PAWLOWSKI: I have spoken to
9 them twice. They were supposed to get back
10 with me. They were aware that they were
11 tabled. I'm assuming they don't want to go
12 forward, but that's just my assumption.

13 CHAIRPERSON FERRELL: I don't
14 want to table it again.

15 What kind of facts do we need?

16 MS. SAARELA: Just that they
17 didn't establish the need for a variance.

18 So you would make a motion to
19 deny, go through the standard and say that,
20 you know, they didn't provide any facts to
21 show that there is a exceptional unique
22 circumstance of the property.

23 CHAIRPERSON FERRELL: Somebody
24 want to go ahead and do that.

25 MS. GRONACHAN: Case No.

0081

1 PZ14-0012, Stoneridge Office Park at 44050
2 Twelve Mile Road, I move that we deny the
3 request based on the following reasons, on
4 two separate meeting nights, the petitioner
5 failed to appear.

6 The request has not been --
7 I'm sorry. The petitioner has not been
8 present to present circumstances which are
9 unique to justify the request, therefore, it
10 does not enable the board to grant any kind
11 of relief to this property. Is that okay?

12 MS. SAARELA: That's fine.

13 MR. GHANNAM: Second.

14 CHAIRPERSON FERRELL: Motion and
15 second, any further discussion?

16 (No audible responses.)

17 CHAIRPERSON FERRELL: Ms.

18 Pawlowski, can you call the roll?

19 MS. PAWLOWSKI: Member Gerblick?

20 MR. GERBLICK: Yes.

21 MS. PAWLOWSKI: Member Ghannam?

22 MR. GHANNAM: Yes.

23 MS. PAWLOWSKI: Member Gronachan?

24 MS. GRONACHAN: Yes.

25 MS. PAWLOWSKI: Member Ibe?

0082

1 MR. IBE: Yes.

2 MS. PAWLOWSKI: Member Sanghvi?

3 MR. SANGHVI: Yes.

4 MS. PAWLOWSKI: Chairperson

5 Ferrell?

6 CHAIRPERSON FERRELL: Yes.

7 MS. PAWLOWSKI: Motion passes six

8 to zero.

9 CHAIRPERSON FERRELL: Any other

10 matters from anybody on the board or the

11 city?

12 MR. GHANNAM: I will move to

13 adjourn.

14 MR. GERBLICK: Second.

15 CHAIRPERSON FERRELL: All in

16 favor say aye.

17 THE BOARD: Aye.

18 CHAIRPERSON FERRELL: Any

19 opposed?

20 (No audible responses).

21 CHAIRPERSON FERRELL: Seeing

22 none, we are adjourned.

23 (The meeting was adjourned at 8:19 p.m.)

24 ** ** **

25

0083

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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Date

Jennifer L. Wall CSR-4183

22

Oakland County, Michigan

My Commission Expires 11/12/15

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