

ZONING BOARD OF APPEALS
CITY OF NOVI
COMMUNITY DEVELOPMENT DEPARTMENT

IN RE:

CITY OF NOVI ZONING BOARD OF APPEALS

The Zoning Board of Appeals Meeting

Taken at 45175 West Ten Mile Road

Novi, Michigan

Commencing at 7:00 p.m.

Tuesday, February 10, 2015

Before Joanne Marie Bugg, CSR-2592, RPR, RMR, CRR

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APPEARANCES:

- CHAIRPERSON: Brent Ferrell
- Cindy Gronachan
- Linda Krieger
- Rickie Ibe
- Matthew Mosteiko
- Thomas M. Walsh - Building Official
- Elizabeth Saarela - City Attorney
- Angela Pawlowski - Recording Secretary
- Stephanie Ramsay

1 Novi, Michigan

2 Tuesday, February 10, 2015

3 7:00 p.m.

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CHAIRMAN FERRELL: Calling to order the
6 Zoning Board of Appeals regularly scheduled meeting
7 February 10, 2015. Would you like to lead this,
8 please, Member Ibe. Everybody please rise for the
9 Pledge of Allegiance, please.

10

(Pledge of Allegiance recited.)

11

CHAIRMAN FERRELL: Ms. Pawlowski, can you
12 call roll, please.

13

MS. PAWLOWSKI: Member Gronachan?

14

MS. GRONACHAN: Here.

15

MS. PAWLOWSKI: Member Ibe?

16

MR. IBE: Present.

17

MS. PAWLOWSKI: Member Krieger?

18

MS. KRIEGER: Here.

19

MS. PAWLOWSKI: Member Sanghvi is absent
20 excused.

21

Member Mosteiko?

22

MR. MOSTEIKO: Here.

23

MS. PAWLOWSKI: Chairperson Ferrell?

24

CHAIRMAN FERRELL: Here. Okay. Just a
25 reminder. This is a public hearing and the formal

1 rules of conduct are in the back if you'd like a copy.
2 And ask that if anybody has any cell phones or pagers
3 to please silence them or turn them off at this time.

4 Okay. Under the approval of the agenda, do
5 we have any additions?

6 MS. PAWLOWSKI: No.

7 CHAIRMAN FERRELL: Okay. Anybody else?
8 Nothing. Okay. All in favor of approval of the agenda
9 say aye.

10 (All members stated aye.)

11 CHAIRMAN FERRELL: Any opposed? Seeing
12 none, we have an agenda.

13 Onto the minutes. Approval of December 9th,
14 2014 minutes?

15 MS. KRIEGER: No changes.

16 CHAIRMAN FERRELL: Any changes? Nothing.
17 Okay. All in favor of the approval of December 9th,
18 2014 minutes say aye.

19 (All members stated aye.)

20 CHAIRMAN FERRELL: Any opposed? Seeing
21 none, minutes are approved.

22 Approval of the January 13th, 2015 minutes?

23 MS. KRIEGER: No changes.

24 CHAIRMAN FERRELL: Okay. All in favor of
25 approval of January 13th, 2015 minutes say aye.

1 (All members stated aye.)

2 CHAIRMAN FERRELL: Any opposed? Seeing
3 none, okay.

4 Any public remarks? Does anybody have
5 anything that they wish to address the board other than
6 any cases that are being heard this evening? Okay.
7 Seeing none.

8 Under the first case, PZ14-0056 West Oaks 1,
9 43741 West Oaks Drive. Please come forward to be sworn
10 in by the secretary, and state and spell your name for
11 the recorder, please.

12 MS. GRONACHAN: Good evening. Are you an
13 attorney?

14 MR. FOSSE: No. I'm an architect.

15 MS. GRONACHAN: Would you state your name
16 for the secretary, please.

17 MR. FOSSE: Charles Fosse, F-O-S-S-E.

18 MS. GRONACHAN: Would you raise your right
19 hand to be sworn in.

20 CHARLES FOSSE,
21 was thereupon called as a witness herein, and after
22 having first been duly sworn to testify to the truth,
23 the whole truth and nothing but the truth, was examined
24 and testified as follows:

25 MR. FOSSE: I do.

1 MS. GRONACHAN: Thank you.

2 MR. FOSSEE: My name is Charles Fosse. I'm
3 with the architectural firm Wah Yee Associates. We're
4 the architects for the project.

5 Also with me tonight is civil engineer, Dave
6 Hunter, and David Darling, representative of
7 Ramco-Gershenson.

8 And we're here tonight to ask you for three
9 variances to allow us to expand and update West Oaks,
10 West Oaks 1 Shopping Center.

11 It involves a revision to the existing
12 tenant, Gander Mountain, relocation of existing tenant,
13 David's Bridal, and the introduction of a new national
14 high-end fashion tenant that whose name we can't
15 disclose at this time.

16 And these variances were made necessary to
17 accommodate, basically, to accommodate these
18 relocations, and a small expansion to the center to
19 accommodate the new major store.

20 And we feel that there is really no impact,
21 no negative impact to the community caused by the
22 variances that we're requesting. And the reason for
23 the request, other than the expansion, is that this
24 particular site really has three front yards. So
25 we're, you know, dealing with that and the setback

1 requirements that come with that kind of a situation.

2 So that necessitates the loading, which
3 architecturally is really in the rear of the building,
4 but technically falls on the side yard. And then to
5 accommodate that loading dock, and the expansion to
6 accommodate the new tenant, we're requesting a
7 reduction in the 100 foot variance on the side, what's
8 technically the front yard to the north, and the side
9 yard to the west. I believe that's correct.

10 And so based on that, we're here to answer
11 any questions that you may have.

12 CHAIRMAN FERRELL: Okay. Thank you.
13 Anybody in the audience have any questions or comments
14 they'd like to address the board? Okay. Seeing none,
15 anything from the city?

16 MR. WALSH: No comments at this time.

17 CHAIRMAN FERRELL: Okay. Any
18 correspondence?

19 MS. GRONACHAN: There are 22 letters mailed,
20 one returned, no approvals, no objections.

21 CHAIRMAN FERRELL: Okay. Open up to the
22 board for discussion. Yes?

23 MS. KRIEGER: Question. Do you know which
24 tenant is going to go where? Because the bridal
25 boutique they asked to be -- they're on the end. They

1 had two signs we approved on the side, so would they
2 still be on the end?

3 MR. FOSSE: They're going to be basically
4 where they are now. They're going to move slightly to
5 the south. The new tenant will be on the north on the
6 end. So then it'll be David's Bridal, and then the
7 existing Gander Mountain. But the Gander will be
8 reduced in size slightly.

9 MS. KRIEGER: Okay. Thank you.

10 CHAIRMAN FERRELL: Anybody else?

11 MR. MOSTEIKO: Yes. My question is as far
12 as the loading area. Is there currently a loading area
13 in that general area for the other stores?

14 MR. FOSSE: Further down, the Gander
15 Mountain has a similar loading dock space that projects
16 in a similar distance from the property line actually.

17 MR. MOSTEIKO: Okay. My main concern is as
18 far as semis, large trucks trying to get into the
19 loading area. And it seems like it might be a little
20 bit of a confined space, and maybe the entrance like
21 just actually the gate accessibilities of the loading
22 area, big semis having to back themselves in to load
23 things, how would that work?

24 MR. FOSSE: Yeah. Basically, they'll come
25 in from the drive to the north and circulate around to

1 the south, and back in, and then continue in that
2 counter clockwise, which is the same direction as the
3 existing loading dock is required.

4 MR. MOSTEIKO: Okay. I can exactly picture
5 what you're explaining, so that works with me.

6 MR. FOSSE: Thank you.

7 CHAIRMAN FERRELL: Anybody else?

8 MS. GRONACHAN: I just want to clarify,
9 they're asking for -- you started it off saying that
10 you were requesting three variances, but we've got a
11 request for one. So I just want to state for the
12 record that there is only one variance, and that's for
13 the side yard setback of 100 feet, the reduction of
14 that; is that correct? Maybe that question should be
15 for the building department.

16 MR. WALSH: There's two variances. One for
17 the front yard, and one for the side yard.

18 MS. GRONACHAN: Okay. And so the loading
19 dock is not requesting any kind of variance?

20 MR. WALSH: No. And those are the
21 dimensional setbacks for front and side yard, and then
22 a Section 2507 to add the loading zone.

23 MS. GRONACHAN: Okay. All right. Thank you
24 for the clarification.

25 MR. WALSH: Yes.

1 MS. GRONACHAN: I have no further questions.

2 MR. FOSSE: Thank you.

3 CHAIRMAN FERRELL: Any questions?

4 MR. IBE: Not really.

5 CHAIRMAN FERRELL: No. Do I hear a motion?

6 MR. MOSTEIKO: Yeah. In case number
7 PZ14-0056, West Oaks 1, I propose that we pass the
8 motion to grant the variances as requested. There are
9 unique circumstances or physical conditions of the
10 property such as narrowness, shallowness, shape, water,
11 topography or similar conditions, and the need for the
12 variance is not due to the applicant's personal or
13 economic difficulty because of the reasons stated are
14 there.

15 The need is not self-created because the
16 building was already in place.

17 The strict compliance with regulations,
18 governing area, setback, frontage, height, bulk,
19 density or other dimensional requirements will
20 unreasonably prevent the property owner from using the
21 property for a permitted purpose, or will render
22 conformity with those regulations unnecessarily
23 burdensome as stated earlier in the testimony.

24 The requested variance is the minimum
25 variance necessary to do substantial justice to the

1 applicant as well as to other property owners in the
2 district as explained by prior testimony.

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

7 MS. GRONACHAN: Second.

8 CHAIRMAN FERRELL: Motion seconded. Any
9 further discussion? Seeing none, Ms. Pawlowski, can
10 you call roll, please.

11 MS. PAWLOWSKI: Member Gronachan?

12 MS. GRONACHAN: Yes.

13 MS. PAWLOWSKI: Member Ibe?

14 MR. IBE: Yes.

15 MS. PAWLOWSKI: Member Krieger?

16 MS. KRIEGER: Yes.

17 MS. PAWLOWSKI: Member Mosteiko?

18 MR. MOSTEIKO: Yes.

19 MS. PAWLOWSKI: Chairperson Ferrell?

20 CHAIRMAN FERRELL: Yes.

21 MS. PAWLOWSKI: Motion passes five to zero.

22 MR. FOSSE: Thank you very much.

23 CHAIRMAN FERRELL: All right. Thanks.

24 On the case number PZ14-0063, Providence
25 Hospital Campus and Kidney Centers of Michigan. 47601

1 Grand River Ave. Please step up and state and spell
2 your name for the recorder.

3 MR. JONNA: Sure. Good evening. My name is
4 Gary Steven Jonna, J-O-N-N-A. My address is 39525 West
5 Thirteen Mile Road, Novi, Michigan. I'm president of
6 Whitehall Realty Interests, and this evening
7 representing the proposed Kidney Centers of Michigan.

8 With me this evening is Mark Yagerlener, who
9 is the regional director of real estate for Ascension
10 Health, which is the parent of St. John Providence
11 Health System.

12 MS. GRONACHAN: I'm sorry. Are you both
13 giving testimony tonight?

14 MR. JONNA: Mark is here to answer any
15 questions.

16 MS. GRONACHAN: Would you both like to be
17 sworn in then?

18 MR. JONNA: Oh, sure.

19 CHAIRMAN FERRELL: Can you state and spell
20 your name for the recorder as well, sir.

21 MR. YAGERLENER: Sure. I'd be glad to. My
22 name is Mark Yagerlener, Y-A-G-E-R-L-E-N-E-R.

23 MS. GRONACHAN: And would you raise your
24 right hand, please.

25 GARY JONNA and MARK YAGERLENER,

1 were thereupon called as witnesses herein, and after
2 having first been duly sworn to testify to the truth,
3 the whole truth and nothing but the truth, were
4 examined and testified as follows:

5 MS. GRONACHAN: Thank you.

6 MS. KRIEGER: In this case, before we start.

7 CHAIRMAN FERRELL: Yes.

8 MS. KRIEGER: I work for Providence
9 Hospital, so I should be considered to recuse myself?

10 MS. SAARELA: I think that you could in this
11 case, yes.

12 MS. KRIEGER: Okay. See you in a little
13 bit.

14 (Member Krieger excused at 7:11 p.m.)

15 CHAIRMAN FERRELL: Okay. You may proceed.

16 MR. JONNA: Thank you. We have a rather
17 extensive packet before you this evening, so I'll just
18 cover a few salient points.

19 First, there was previously variances
20 granted for three projects that were developed along
21 the Providence Park Ring Road, that the being
22 orthopedic center, the large MOB, and then also the
23 Staybridge Hotel back in 2006.

24 So as the packet indicates, Providence
25 Parkway was built to public standards, and meets all

1 the engineering and requirements of the City of Novi
2 for public streets and dedication, although it's been
3 held private.

4 And the roadway is also governed by a
5 recorded declaration that runs with the land that
6 ensures the perpetual access to Providence Parkway.

7 What we're asking for this evening is
8 there's additional developments planned. The Kidney
9 Centers of Michigan has received preliminary site plan
10 approval from the City of Novi. As you might expect,
11 all of the parcels that are undeveloped at the St. John
12 Providence Campus rely on Providence Parkway for
13 access.

14 There are also driveways along Beck and so
15 on, but some of the interior undeveloped parcels solely
16 rely on Providence Parkway for access. So, you know,
17 the only way to develop these sites is to access
18 Providence Parkway, and that therein lies our factual
19 difficulty.

20 So more than happy to answer any questions
21 you may have. We work very closely with staff in
22 trying to give you as much detail in the package as
23 possible, and delighted to answer any questions you
24 might have.

25 CHAIRMAN FERRELL: Okay. Thank you.

1 Anybody in the audience have any questions or comments
2 pertaining to this case? Okay. Seeing none. Anything
3 from the city?

4 MR. WALSH: Not at this time. Thank you.

5 CHAIRMAN FERRELL: Okay. Can you read the
6 correspondence, please.

7 MS. GRONACHAN: Yes. There were 46 letters
8 mailed. Four returned. One objection. The objection
9 is from Dr. S., and I'll spell that for the record,
10 P-I-N-N-A-M-A-R-A-J-U, M.D., 26850 Providence Parkway
11 in Novi. Affects patient's traffic coming to the
12 hospital and medical office building. And I just marked
13 it as an objection. No other correspondence.

14 CHAIRMAN FERRELL: Okay. Thank you. Open
15 up to the board for discussion. Do you have a map with
16 you, by chance, of the road that you're trying to
17 actually add?

18 MR. JONNA: I think it's -- can they put it
19 on the screen?

20 CHAIRMAN FERRELL: Yeah. If you have a copy
21 up there so you can kind of go over it with us.

22 MR. JONNA: Well, I'm saying isn't it part
23 of the package, the roadway? There's a colored
24 drawing.

25 CHAIRMAN FERRELL: Yeah, but there's people

1 at home and in the audience that want to see it as
2 well.

3 MR. JONNA: Oh, I'm sorry. Do you have a
4 copy we can put on the screen?

5 MS. SAARELA: I have this one.

6 MR. JONNA: Yes, sorry.

7 MS. SAARELA: Do you want this, too?

8 MR. JONNA: There's a colored one.

9 CHAIRMAN FERRELL: It's kind of hard to see.

10 MS. SAARELA: You can add this other one,
11 too.

12 MR. JONNA: Thank you. Can I have one
13 moment, please? Can I grab a drawing?

14 CHAIRMAN FERRELL: Yes, you may.

15 MS. SAARELA: This came to my computer, and
16 I didn't want to print it in color. Here it is.

17 MR. WALSH: There's the file.

18 MR. JONNA: I'm sorry I didn't print it. I
19 should have. Thank you. There's the configuration,
20 and then you can see the parcels that are coded in
21 orange are the subject of the petition this evening.
22 Those are parcels, I said before, that are -- rely on
23 access onto Providence Parkway.

24 CHAIRMAN FERRELL: Where's the development
25 going to be, just those two that are in orange you're

1 developing right now?

2 MR. JONNA: No. The only one that's
3 developing, I think, if I point right here, that's the
4 current project, Kidney Centers of Michigan Total Renal
5 Care, two acres. That's what has, again, received
6 preliminary site plan approval. The balance of the
7 parcels in orange, after discussions with the city
8 attorney and staff administration, they suggested that
9 a more a global approach to the variance, and so we
10 wouldn't have to keep coming back on a repeated basis
11 for really the same matter.

12 CHAIRMAN FERRELL: Thank you. Do any of the
13 board members have any questions?

14 MR. IBE: Just a quick comment. I've had a
15 chance to look at the applicant's request, and it
16 appears obviously that it really wasn't a no brainer.
17 There's no way to access this place without that
18 arrangement. With all due respect to the party who
19 objected, I don't know what else you could possibly do
20 here. There is a significant practical difficulty. If
21 you ask me, that is just a mild one.

22 Looking at this map, it tells a story pretty
23 much what you can see very clear. I will be in
24 support, of course, of this, and I will await to see
25 what my fellow members think about this.

1 MR. JONNA: Thank you.

2 MR. IBE: Thank you.

3 CHAIRMAN FERRELL: Thank you. Anybody else?

4 MR. MOSTEIKO: I don't see any issue with
5 it, and I also was trying to kind of visualize what the
6 person that said that they would disapprove on the
7 correspondence. And I really don't see any other way
8 to get around it. And I think that the variance should
9 be probably approved here, so I'll be in support of it.

10 CHAIRMAN FERRELL: Thank you. Any comments?
11 None?

12 MS. GRONACHAN: I've got none.

13 CHAIRMAN FERRELL: Not even one?

14 MS. GRONACHAN: Except that I can really
15 support this. This is, I will just say, from a long
16 time resident of this area, and seeing that this
17 development has come a long way. And congratulations
18 to the entire complex. To add any additional roads, or
19 the other solution would be to buy additional property,
20 and then to get into the back end of these properties,
21 which is not realistic.

22 MR. JONNA: That's correct.

23 MS. GRONACHAN: And I'm stating that just
24 for people that don't know or come back and say, well,
25 why did they do that.

1 MR. JONNA: Sure.

2 MS. GRONACHAN: The Ring Road is definitely
3 complete in with that complex, and it just ties it all
4 in, and it makes perfect sense. And I think it's all
5 in spirit of the ordinance. So I'm in full support as
6 well.

7 MR. JONNA: Thank you.

8 CHAIRMAN FERRELL: Thank you. Do I hear a
9 motion?

10 MS. GRONACHAN: It's Rickie.

11 MR. IBE: Yeah, I better take the motion,
12 Mr. Chair.

13 CHAIRMAN FERRELL: Thank you.

14 MR. IBE: Thank you very much. In case
15 Number PZ14-0063, Providence Hospital Campus and Kidney
16 Centers of Michigan. I move that we grant the
17 applicant's request as requested for the following
18 reasons.

19 One, the applicant have demonstrated a
20 practical difficulty does exist to warrant an approval
21 of the request.

22 There are unique circumstances of the
23 physical condition of the property such as the
24 narrowness, and the shape, and similar physical
25 conditions. Specifically, if you look at the landscape

1 of the entire campus itself, there's just no other way
2 for this to do justice to this applicant other than
3 grant the variance. There's just no other way.

4 And second, the need is not self-created.
5 In order to grant a variance of this nature, you have
6 to determine whether or not something is self-created,
7 meaning that the parties have other alternatives, but
8 chose this particular one. This is something that the
9 applicant could not have foreseen. It is something
10 that was there based on the unique nature of the parcel
11 itself. Therefore, the need is not self-created.

12 In strict compliance with regulations
13 governing the area, setback, frontage, height, density
14 or the dimensional requirements will unreasonably
15 prevent this applicant from using the property for the
16 purpose permitted, and will render conformity with
17 those regulations unnecessarily burdensome to this
18 applicant, which technically the ordinance is designed
19 to do.

20 Four, the requested variance is the minimum
21 variance that is necessary to do substantial justice to
22 the applicant, as well as other property owners in the
23 district.

24 And five, the requested variance will not
25 cause an adverse impact on surrounding property,

1 property values, or the use and enjoyment of the
2 property in the neighborhood, or the zoning district.

3 And let me also add that there was one
4 objection that was made through the correspondence that
5 was read into the record. It appears as if the --
6 while the complainant may have a valid, what I mean to
7 be a valid reason that they made an objection, looking
8 at the totality of what has been presented before us
9 here, there is just no way that this applicant will be
10 able to accomplish what the applicant sets to do
11 without this variance.

12 Therefore, based on the application
13 submitted, the exhibits that were submitted along with
14 the application, the comments made by the board
15 members, I move that we grant the applicant's request.

16 MS. GRONACHAN: Second.

17 CHAIRMAN FERRELL: Motion to second. Any
18 further discussion? Seeing none, Ms. Pawlowski, can
19 you call the roll, please.

20 MS. PAWLOWSKI: Member Gronachan?

21 MS. GRONACHAN: Yes.

22 MS. PAWLOWSKI: Member Ibe?

23 MR. IBE: Yes.

24 MS. PAWLOWSKI: Member Mosteiko?

25 MR. MOSTEIKO: Yes.

1 MS. PAWLOWSKI: Chairperson Ferrell?

2 CHAIRMAN FERRELL: Yes.

3 MS. PAWLOWSKI: Motion passes four to zero.

4 MR. JONNA: May I make a brief comment.

5 First, thank you for your support as we continue to
6 endeavor to build a world class health campus in Novi.
7 There'll be future projects, and by virtue of your
8 support we can continue towards our goal. Thank you.

9 CHAIRMAN FERRELL: Thank you.

10 MS. GRONACHAN: Good luck.

11 CHAIRMAN FERRELL: Do you mind grabbing
12 Linda Krieger.

13 (Member Krieger now present 7:24 p.m.)

14 CHAIRMAN FERRELL: Okay. On to case number
15 PZ14-0064, 24844 Mallard Trail. Please come forward
16 and raise your right hand, and be sworn in. And state
17 and spell your name for the recorder, please.

18 MR. HUMPHREY: Good evening. My name is
19 Jason Humphrey, J-A-S-O-N H-U-M-P-H-R-E-Y. I'm with
20 Kyle Builders. We've been hired on by Mr. and
21 Mrs. Logan Mays here to build a deck project in the
22 back of their house.

23 CHAIRMAN FERRELL: Do you guys plan on
24 speaking as well?

25 MR. MAYS: Only if you have questions.

1 CHAIRMAN FERRELL: Okay. Why don't you just
2 be sworn in as well.

3 MR. MAYS: Okay.

4 CHAIRMAN FERRELL: Come to the podium and
5 state and spell your name for the recorder, and then be
6 sworn in as well.

7 MR. MAYS: Logan Mays, L-O-G-A-N M-A-Y-S.

8 MS. SHAVER: Jill Shaver, S-H-A-V-E-R.

9 CHAIRMAN FERRELL: Okay. Go ahead and raise
10 your right hand, please.

11 JASON HUMPHREY, LOGAN MAYS, JILL SHAVER,
12 were thereupon called as witnesses herein, and after
13 having first been duly sworn to testify to the truth,
14 the whole truth and nothing but the truth, were
15 examined and testified as follows:

16 MS. GRONACHAN: Thank you.

17 MR. HUMPHREY: Again, we've been hired on to
18 build a deck project in the back of their house. The
19 deck meets the variance codes, along with the stairs.
20 The homeowners are looking to also get -- install a
21 roof project over the deck project to provide shade
22 from the sun. We don't see any hardships with any of
23 the homeowners. It's a corner lot, so there is one
24 homeowner directly adjacent, but just the street on the
25 other side.

1 Again, there are retractable awnings around
2 that provide shade. They're looking for more of a
3 permanent structure. We don't see any negative impact,
4 but it would add actual value to their current home,
5 and the adjacent properties.

6 If there are any other questions, I'd like
7 to answer those for you.

8 CHAIRMAN FERRELL: Thank you. Anybody in
9 the audience have any questions or comments? Seeing
10 none. Anything from city?

11 MR. WALSH: No comment.

12 CHAIRMAN FERRELL: Okay. Any
13 correspondence?

14 MS. GRONACHAN: There were 28 letters
15 mailed. Eight returned. No objections. No approvals.

16 CHAIRMAN FERRELL: Okay. I open up to the
17 board for discussion.

18 MR. IBE: Just checking.

19 MR. HUMPHREY: Yes.

20 MR. IBE: Is this in a subdivision where you
21 have a homeowner's association?

22 MR. HUMPHREY: Yes. And actually I was
23 going to mention it if it came up. We did get approval
24 from the homeowner's association as well.

25 MR. IBE: Oh, you did?

1 MR. HUMPHREY: Yes.

2 MR. IBE: Okay.

3 MR. HUMPHREY: I believe we submitted that a
4 couple weeks back. I'm not sure if it's in your
5 packet. It was submitted.

6 MR. IBE: Okay. Very well. The
7 architecture looks pretty good. I mean, it's actually
8 an improvement.

9 MR. MAYS: Yes.

10 MR. IBE: And your neighborhood, do you have
11 a neighbor in the back of this property? There's no
12 one in the rear, right?

13 MS. SHAVER: No.

14 MR. IBE: Okay. So really, yeah, I think
15 that looking at the design, as well as the value that
16 it adds to the property, that alone I think is enough
17 to sway me to be in support of it.

18 CHAIRMAN FERRELL: Anybody else?

19 MS. KRIEGER: I agree.

20 CHAIRMAN FERRELL: Thank you.

21 MR. MOSTEIKO: The plans look great, and
22 I'll be in support of your project.

23 MR. MAYS: Thank you.

24 CHAIRMAN FERRELL: Yes.

25 MS. GRONACHAN: Mr. Chair, good evening.

1 Beautiful, exciting, right?

2 MR. MAYS: Yes.

3 MS. GRONACHAN: This is new construction,
4 correct?

5 MR. MAYS: Yes.

6 MS. GRONACHAN: You're not living there yet?

7 MR. MAYS: No, we are.

8 MS. GRONACHAN: You are living there. So
9 the house is all done, and you moved in, and so the
10 other neighbors do know what you're doing, and you
11 haven't had any rumblings?

12 MR. MAYS: Correct.

13 MS. GRONACHAN: Okay. I just wanted to make
14 sure. I'm in support.

15 CHAIRMAN FERRELL: Thank you. Do I hear a
16 motion?

17 MR. MOSTEIKO: In case number PZ14-0064 at
18 24844 Mallard Trail, I move that we grant the variance
19 as requested. The variance should be granted because a
20 practical difficulty exists currently due to the
21 following:

22 There's unique circumstances or physical
23 conditions of the property such as the narrowness, or
24 shape, or topography, or similar physical conditions,
25 and the need for the variance is not due to the

1 applicant's personal or economic difficulty.

2 The need is not self-created because of the
3 size of the parcel.

4 The strict compliance with the regulations
5 governing area, setback, frontage, height, bulk,
6 density or other dimensional requirements will
7 unreasonably prevent the property owner from using the
8 property for the permitted purpose, or will render
9 conformity with those regulations unnecessarily
10 burdensome.

11 The requested variance is the minimum
12 variance necessary to do substantial justice to the
13 applicant, as well as other property owners in the
14 district, because denying this would prevent them from
15 enjoying the deck.

16 The requested variance will not cause an
17 adverse impact on surrounding property, property
18 values, or the use and enjoyment of property in the
19 neighborhood or zoning district and will, in fact,
20 increase the value of their home. So for all these
21 reasons, I propose a motion to pass the variance as
22 requested.

23 MS. KRIEGER: Second.

24 CHAIRMAN FERRELL: There's a motion to
25 second. Any further discussion?

1 Okay. Seeing none, Ms. Pawlowski, can you
2 call roll, please.

3 MS. PAWLOWSKI: Member Gronachan?

4 MS. GRONACHAN: Yes.

5 MS. PAWLOWSKI: Member Ibe?

6 MR. IBE: Yes.

7 MS. PAWLOWSKI: Member Krieger?

8 MS. KRIEGER: Yes.

9 MS. PAWLOWSKI: Member Mosteiko?

10 MR. MOSTEIKO: Yes.

11 MS. PAWLOWSKI: Chairperson Ferrell?

12 CHAIRMAN FERRELL: Yes.

13 MS. PAWLOWSKI: Motion passes five to zero.

14 CHAIRMAN FERRELL: Congratulations.

15 MR. HUMPHREY: Thank you very much.

16 MS. GRONACHAN: Let us know for the first
17 hot dog roast.

18 MR. MAYS: Hurry up and tell the weather to
19 hurry. Thank you.

20 MR. IBE: Thank you, sir.

21 CHAIRMAN FERRELL: Onto other matters.

22 Anything?

23 MR. MOSTEIKO: I will have to resign from
24 the ZBA after the March meeting. I'll be moving to
25 Chicago for a promotion.

1 CHAIRMAN FERRELL: Congratulations.

2 MR. MOSTEIKO: I'm excited and a little bit
3 disappointed. I just you know, got my feet underneath
4 me here.

5 CHAIRMAN FERRELL: Bigger and better things.

6 MR. MOSTEIKO: Exactly.

7 MS. GRONACHAN: Well, good luck to you.
8 We're sorry to see you go.

9 MR. MOSTEIKO: Thanks.

10 MS. GRONACHAN: And three meetings does not
11 constitute a going away party.

12 MR. MOSTEIKO: Well, I never got welcome
13 party either.

14 MS. GRONACHAN: I didn't even get a coming
15 back party.

16 CHAIRMAN FERRELL: We'll see what we can do.

17 MS. GRONACHAN: Okay.

18 CHAIRMAN FERRELL: Is there a motion to
19 adjourn?

20 MS. GRONACHAN: So moved.

21 MR. IBE: Second.

22 CHAIRMAN FERRELL: Motion to second. All in
23 favor say aye.

24 (All members stated aye.)

25 CHAIRMAN FERRELL: Any opposed? Seeing