

The applicant, Matthew C. Quinn, attorney at law, represents both the Property Owner, Thomas Abraham Properties and its Tenant, Ramayah Auto, Inc. The subject property is located at 43000 West Nine Mile Road, Novi, Michigan 48375. The Tenant rents units 307 and 308 which represent approximately 5,400 square feet.

The Tenant has been operating in this facility for approximately two years under the terms of the Lease. This Company employs four full-time employees which are involved in minor vehicle repairs, minor mechanical repairs, electrical problems for vehicles and replacement parts on vehicles. They have never been involved in any automobile painting, any body work nor replacement of windows.

It has been unknown to both the Landlord and the Tenant that they have been operating in violation of the Novi Ordinance. Section 1902 of the Zoning Ordinance, which concerns itself with light industrial zoned property, states that when an I-1 District abuts a Residential District you are not allowed to have an automobile service establishment. Within the next Zoning Ordinance Section 1903, if the property is located in an Industrial Zoned District but does not abut a Residentially Zoned District then an automobile service establishment is allowed. This Section also allows public garages for vehicle repair and servicing, engine tune-ups, brake service, electrical repair, wheel alignments, exhaust system repair, heating and air conditioning repair and service, shock and strut system work, glass and upholstery repair and replacement and engine and transmission service, but not including vehicle undercoating, body repair and collision work, painting, tire recapping or auto dismantling operations.

A notice of violation was issued to the Landlord and the Tenant on November 5, 2008 when the Ordinance Enforcement Officer was checking on an unlicensed vehicle parked in the parking lot at the rear of the subject building.

By looking at Exhibit A you can visualize 43000 West Nine Mile Road as the subject building. It is surrounded by industrially zoned buildings on the east and west as well as the south side of Nine Mile. Unfortunately, there is, at the rear of the property, an abutment to multiple family zoned property. You will see from the photo that the principal parking lot for our property is at the rear of the building and the parking lot abuts the RM-1 property. The parking lot is 53 yards in length between the building and the edge of the pavement. There is then a 10 foot rear yard setback which is a greenbelt. On the RM-1 property there is first a 10 foot greenbelt which is adjacent to the subject property and then from Exhibit A the highlighted area is a parking structure which acts as a shield between the apartment buildings which lie further to the north.

Within the building at issue, I would refer you to Exhibit B, you will note the parking lot to the rear of the building which abuts the residential zoned property. Within the building itself, the most northerly bays have their overhead doors to the north end of the building. Ramayah Auto operates out of the next two units which are identified in the drawing. The bay doors face the I-1 Zoning District to the east. The west side of the two bays are merely pedestrian entrances. Ramayah Auto, Inc. does not have any signage whatsoever on any of its doors. Ramayah Auto retains all of its work by word of mouth referrals. Mr. Mohan is of Indian decent and almost all of his clientele are Indian nationals.

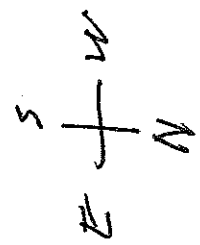
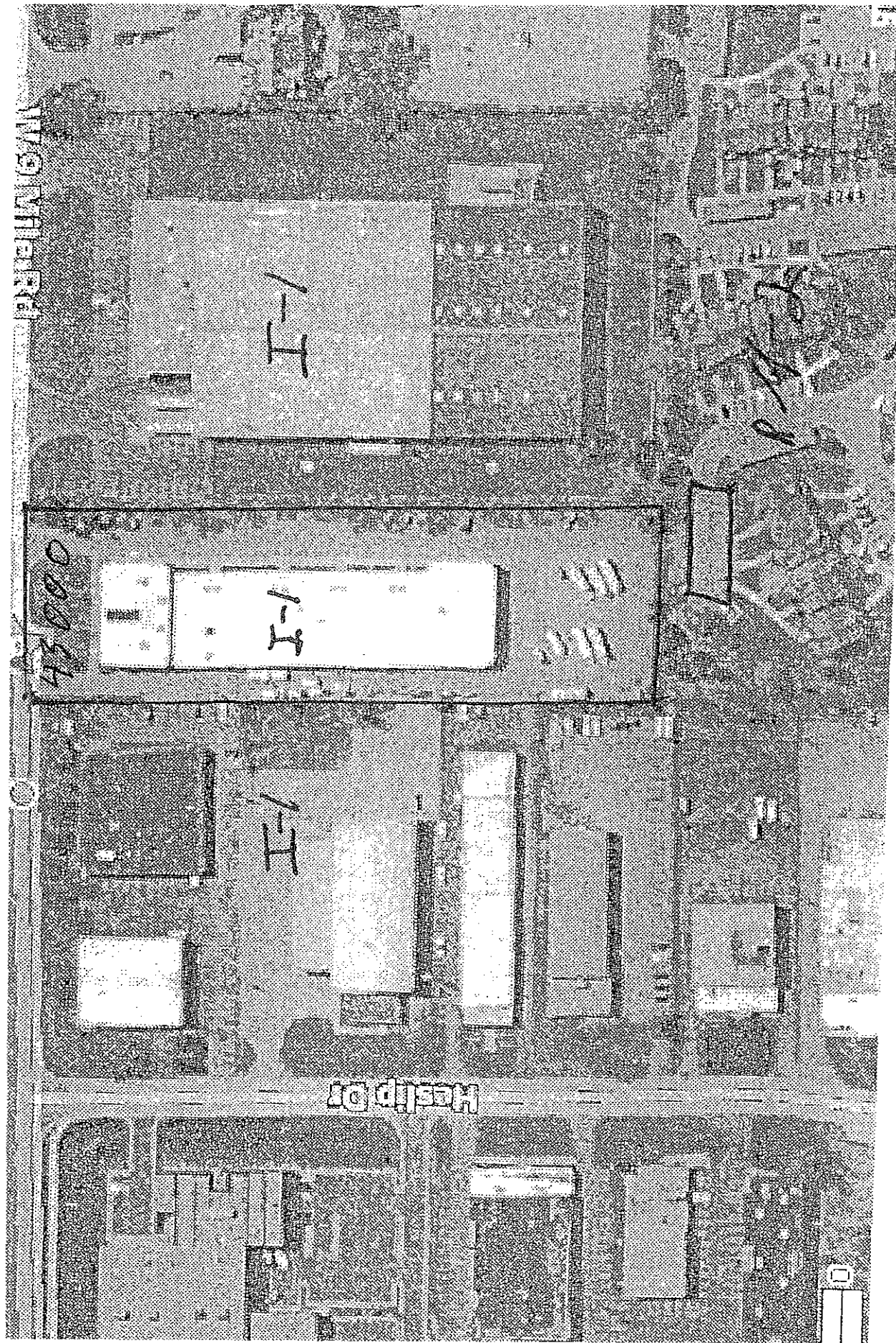
Further, be advised that the Property Owner and Landlord state that the building is currently less than 50% occupied and has been at that low occupancy level all during 2007 and 2008. If he should lose a tenant currently paying rent on two units, he most certainly will have to consider returning the property to the lender.

I would also like to point out that there have never been any complaints by any adjacent property owner nor from any other user of the building. In fact, other tenants in the building occasionally use Ramayah Auto for their minor repair and oil change work. Three co-tenant approval letters are attached.

Both the Landlord and the Tenant would propose that a variance to Section 902 of the Zoning Ordinance be granted with conditions. We propose the conditions being that Ramayah Auto, Inc. be limited to using no more than the current units 307 and 308. That there will be a prohibition against any vehicle painting, there will be no vehicle undercoating, there will be no collision work, no tire recapping or auto dismantling operations and there will be no outside storage of vehicles overnight. And, if any vehicles are left outside during the day, they will be placed in the parking stalls closest to the building which would be the farthest away from the property line abutting the Multiple Family District.

As previously pointed out, all of the subject property cannot be reasonably used for the purposes permitted in the Zoning Ordinance due to the conditions of the market economy and the fact of with the vacancy rate, the property will not yield a reasonable return without this variance being granted. That the plight of the Property Owner is due to the unique circumstances which have an approximate 184 foot rear yard which just happens to abut multiple family property which qualifies as residentially zoned property under the Zoning Ordinance. It must be pointed out that granting this use variance will not alter the essential character of the area as there is no exterior visual impact to the operation of this business at all. Finally, the allowance of this variance will not impact light and air which affects adjacent properties, there will be no increase of fire danger or public safety, property values will not be diminished within the surrounding area and the spirit of the Zoning Ordinance is observed because this use would be allowed if the rear of the property abutted a non-residentially zoned property.

Therefore, Thomas Abraham Properties and Ramayah Auto, Inc. both request that this use variance be granted with reasonable conditions as the members of the Zoning Board of Appeals deem necessary.



"A" EXHIBIT

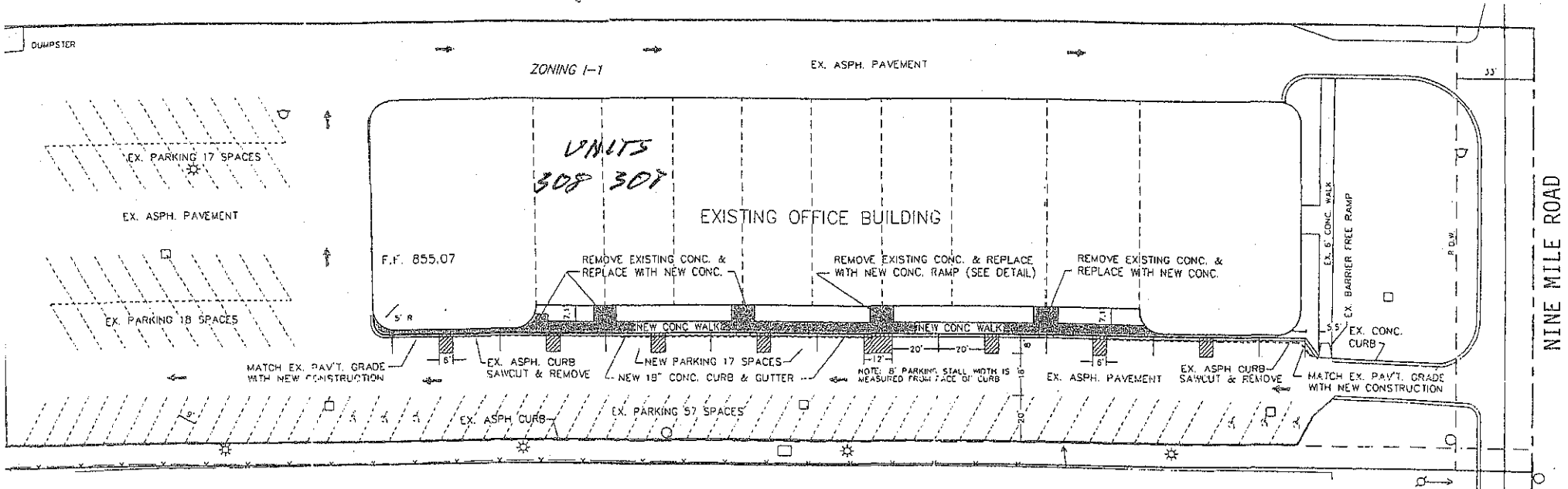
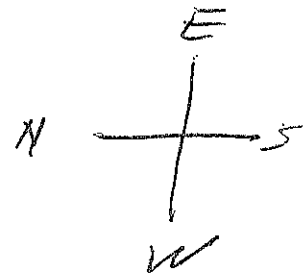


EXHIBIT "B"



Classic Carpet Corporation

Flooring 1st of Michigan
43000 9 Mile • Suite 309
Novi, Michigan 48375
Telephone (248) 347-3290 • Fax (248) 347-3294

December 31, 2008

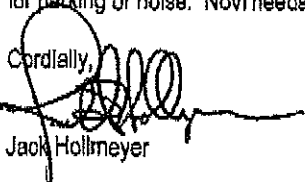
Attn: Thomas Abraham Properties
38701 Seven Mile Rd., Suite 245
Livonia, MI 48152

Re: Ramyah Auto Repair - Rezoning

Ed,

It has come to my attention the Ramyah Auto Repair is petitioning for rezoning for their repair business. I am totally behind their request. They have done work on our vehicles and are honest and professional. They pose no problems for parking or noise. Novi needs business and tax base, let this move forward.

Cordially,


Jack Hollmeyer



P.O. BOX 43
NOVI, MICHIGAN 48376

WWW.UNDERWOODFIRE.COM
EMAIL: INFO@UNDERWOODFIRE.COM
PHONE: (248) 347-4975
FAX: (248) 347-0843

December 29, 2008

Attn: Thomas Abraham Properties
38701 Seven Mile Rd., #245
Livonia, MI 48152

Re: Ramyah Auto Repair – rezoning

Dear Thomas Abraham Properties,

It has come to our attention the Ramyah Auto Repair would like to request rezoning for 43000 Nine Mile to allow their business to stay in suites 307/308. We would have no problem with this request. Ramyah Auto has not caused any disruptions as our neighbor. We have not had any issues with loud noises or vapor smells. Novi Commons provides an abundance of parking and Ramyah could park their vehicles in the back lot.

We feel a zoning change to allow auto repair would not cause harm or disruption to the businesses here at Novi Commons.

Sincerely,

A handwritten signature in black ink, appearing to read "Darrell Underwood", written over a horizontal line.

Darrell Underwood
Underwood Fire Equipment

**Parts Industries Inc
43000 W 9 MILE RD, UNIT 311
NOVI, MI 48375**

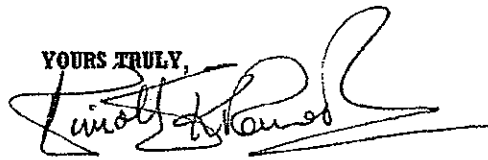
**TO: THOMAS ABRAHAM PROPERTIES
38701 SEVEN MILE RD, SUITE 245
LIVONIA, MI 48152**

DEC 23, 2008

IT HAS COME TO MY ATTENTION THAT RAMYAH AUTO REPAIR WOULD LIKE TO REQUEST REZONING FOR OUR BUILDING TO ALLOW THEIR BUSINESS TO STAY HERE. I WOULD APPROVE OF THIS REQUEST. RAMYAH AUTO HAS NOT CAUSED ANY DISRUPTIONS AS OUR NEIGHBOR. WE HAVE NOT SMELLED ANY VAPORS AND HAVE NOT BEEN DISTURBED BY NOISE FROM THEIR OPERATION. WE HAVE NO PARKING ISSUES AS THERE ARE AMPLE PARKING FACILITIES AND RAMYAH KEEP THEIR VEHICLES TOWARDS THE REAR OF THE LOT.

WE FEEL THAT A ZONING CHANGE WOULD NOT AFFECT OUR BUSINESS, AND WOULD CONTINUE TO PROVIDE THE CITY WITH REVENUE THAT IS BADLY NEEDED DURING THIS DOWN ECONOMY.

YOURS TRULY,



**TIMOTHY KRAMER
PARTS INDUSTRIES INC.
& RESIDENT OF NOVI
22098 WORCESTER DRIVE**