

REGULAR MEETING - ZONING BOARD OF APPEALS

CITY OF NOVI

June 13, 2017

Proceedings taken in the matter of the ZONING BOARD OF APPEALS, at City of Novi, 45175 West Ten Mile Road, Novi, Michigan, on Tuesday, June 13, 2017

BOARD MEMBERS

Cindy Gronachan, Chairperson

David Byrwa

Linda Krieger

Joe Peddiboyina

ALSO PRESENT:

Beth Saarela, City Attorney

Lawrence Butler

Coordinator: Katherine Oppermann, Recording Secretary

REPORTED BY: Jennifer L. Wall, Certified Shorthand Reporter

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Tuesday, June 13, 2017

Novi, Michigan

7:00 p.m.

** ** *

CHAIRPERSON GRONACHAN: Good evening. I would like to call the June 2017 Zoning Board of Appeals meeting to order.

Would you please all rise for the Pledge of Allegiance.

(Pledge recited.)

CHAIRPERSON GRONACHAN: Please be seated.

Katherine, would you please call the roll.

MS. OPPERMANN: Member Byrwa?

MR. BYRWA: Present.

MR. FERRELL: Member Ferrell is absent. Member Gronachan?

CHAIRPERSON GRONACHAN: Present.

MS. OPPERMANN: Member Krieger?

MS. KRIEGER: Here.

CHAIRPERSON GRONACHAN: Member Nafso is absent excused.

1 Member Montville is absent,
2 excused.

3 Member Peddiboyina?

4 MR. PEDDIBOYINA: Yes.

5 CHAIRPERSON GRONACHAN: And
6 Chairperson Sanghvi is absent, excused.

7 CHAIRPERSON GRONACHAN: This
8 evening we have a quorum to run the meeting.
9 We have some members absent, however, it
10 takes the majority of the voting to pass the
11 variances this evening.

12 MS. SAARELA: For a sign variance
13 only.

14 CHAIRPERSON GRONACHAN: For a
15 sign variance only.

16 MS. SAARELA: All four have to
17 pass the non-use variances.

18 CHAIRPERSON GRONACHAN: And for
19 any non-use variance, we have to have a full
20 boat. So because where you do not have a
21 full board this evening, if anyone wishes to
22 postpone their case until next month, because
23 they feel that they need -- they would like a

1 full board to hear their case, can do so now,
2 or we may -- if there is no requests, then we
3 will just move forward and hear all cases as
4 they are presented this evening.

5 Is there anyone who wishes to
6 have their case tabled at this time?

7 Seeing none, we will move
8 forward to PZ17-0013, Allied Signs, 27212
9 Beck Road. Is the petitioner here? Please
10 come on down.

11 The applicant is requesting --
12 you know what -- the applicant is requesting
13 a variance from the City of Novi Code of
14 Ordinances to allow two additional wall
15 signs. Three signs are allowed, and 65
16 square feet maximum is allowed by code.

17 Before you do that, let me
18 just say that there are -- in addition there
19 is a change in the agenda, Case No.
20 PZ17-0017, has been tabled until next month.

21 And all those in favor of the
22 change in the agenda say aye.

23 THE BOARD: Aye.

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CHAIRPERSON GRONACHAN: The agenda has been approved. And I will table the minutes for after this case.

Good evening. Would you please state your names and spell them for our recording secretary.

MR. MARKUS: Sure. My name is Doraad Markus, D-o-r-a-a-d, M-a-r-k-u-s. I am the developer of that little plaza that houses the Starbucks, which is the subject of today's zoning variance request.

With me is Patrick Stieber from Allied Signs. I'll let him spell his name.

MR. STIEBER: Patrick, P-a-t-r-i-c-k, S-t-i-e-b-e-r.

CHAIRPERSON GRONACHAN: Thank you. Gentlemen, would you please raise your right hand and be sworn in.

Do you swear or affirm to tell the truth in the matter before you?

MR. MARKUS: I do.

MR. STIEBER: I do.

1 CHAIRPERSON GRONACHAN: You may
2 proceed.

3 MR. MARKUS: I think I have been
4 here before obviously, and I don't want to
5 come back to these places, but I understand
6 that sometimes things change in the
7 development world and items and issues come
8 up.

9 Starbucks is having a
10 difficult time with some brand identity
11 there. Me as a landlord, my initial site
12 plan to them was showing them all the signage
13 obviously as we develop more and more into
14 this development, we realize how the zoning
15 and sign ordinances work. They are having a
16 difficult time with brand identity,
17 especially with the word Starbucks. Their
18 whole model was Starbucks coffee, and they
19 also would like to have the siren, which is
20 the round mermaid looking figure in their
21 round logos. They have done this across all
22 our shopping centers that we have built.
23 They have done them across southeast

1 Michigan. I think you see many, many
2 Starbucks out there with the word Starbucks
3 coffee and their siren logo.

4 So what we are proposing here
5 is to have the word coffee underneath the
6 Starbucks to clarify the identity and to add
7 the siren on top of the drive-thru for just
8 brand recognition.

9 There is a difficult time that
10 we notice from people seeing the side of the
11 building and not being able to see the words
12 Starbucks coffee, and noticing that there is
13 a coffee shop there.

14 From there I will turn it over
15 to Patrick to kind of speak further to the
16 development and the design of the logo and
17 the sign itself.

18 CHAIRPERSON GRONACHAN: Thank
19 you.

20 MR. STIEBER: As he just stated,
21 Starbucks is now going around and -- to a lot
22 of other brand of stores, and this one is
23 fairly new, in fact, to add the coffee to the

1 signage, to get that into the brand
2 recognition as he stated.

3 So here we are back again in
4 front of the board in regards to the signage
5 on the front elevation to add the Starbucks
6 coffee to the Starbucks lettering.

7 Again, it's LED illuminated
8 sign. Square footage is rather small in
9 size, ten square feet, 10.66 square feet to
10 be exact.

11 And back to sign B on the sign
12 elevation, in which to add the Starbucks logo
13 there, they have reduced the sign in size a
14 little bit, since the last time you have seen
15 this. Again, they are thinking that having
16 the branding there will give them better
17 identification, they feel that there is a
18 hardship of lack of identification on that
19 side of the building.

20 CHAIRPERSON GRONACHAN: Okay. Is
21 there anything else?

22 MR. MARKUS: Nothing further at
23 this point. We are here to answer any

1 questions you may have.

2 CHAIRPERSON GRONACHAN: I'm doing
3 double duty here tonight.

4 There were 16 letters mailed,
5 three letters returned, no approvals, no
6 objections.

7 Building department, do you
8 have anything to offer?

9 MR. BUTLER: They did try to
10 decrease their extra signage. At first it
11 was going to go to 30.28, but they dropped
12 that down to 26.56, that kind of reduced
13 that, so I did notice that.

14 CHAIRPERSON GRONACHAN: Okay.
15 Any other comments? Board members? Member
16 Krieger.

17 MS. KRIEGER: I appreciate -- the
18 three signs, when it asked in the initial
19 thing, that's for a Starbucks coffee and the
20 logo all has three separate signages on that
21 front that faces Beck as one sign? With the
22 square footage.

23 MR. STIEBER: Correct. That's

1 how we see it, but originally we had the word
2 Starbucks within the drive-thru sign
3 underneath it.

4 MS. KRIEGER: I am wondering like
5 for on Novi Road, they have -- their signage
6 approval, then they can switch the lettering
7 any which way they want according to -- see
8 it's all about the signage and number of
9 signs, not what's on the signage. So I am
10 having difficulty with that.

11 And then also the Starbucks
12 has the logo, the circle logo on the back, so
13 until that road is open all the way back to
14 Grand River, I don't understand how they
15 can't put it on the north side, because
16 anybody anywhere knows that Starbucks is
17 coffee, and the signage to the northbound
18 would assist, then in the future come back at
19 a future date, if the road finishes opening
20 to Grand River, and then addresses another
21 sign at that time.

22 MR. MARKUS: We have put the sign
23 in the back because that's where all our

1 parking is. We need to afford them the
2 opportunity to know where the Starbucks
3 location is.

4 The problem is on when you're
5 on the north side on top of the drive-thru
6 window, nobody knows what's there. The way
7 the building is angled, the way the site plan
8 was approved, the building kind of faces away
9 from traffic at that point, so nobody can see
10 until you're driving in front of the
11 building.

12 MS. KRIEGER: But doesn't that
13 door or window have signage of Starbucks on
14 it?

15 MR. MARKUS: No, it's just basic
16 windows. You don't really see anything in
17 the windows. They do that for security
18 purposes, so people can see in.

19 MS. KRIEGER: That's all I have.
20 I will listen from my other members.

21 MR. PEDDIBOYINA: I don't have
22 anything.

23 CHAIRPERSON GRONACHAN: Member

1 Byrwa, do you have anything?

2 MR. BYRWA: No, I don't.

3 CHAIRPERSON GRONACHAN: I can see
4 where the concern would be in regards to the
5 amount of signage, and I think when you guys
6 were here before, I agreed to the -- we
7 agreed to the one in the back and rightfully
8 so.

9 How did you guys know that
10 there was a problem with the building?

11 MR. MARKUS: We are getting that
12 quite a lot. Starbucks sales are not as
13 strong as they anticipated, this is the team
14 that figured out what's going on. So they
15 have done drive-bys, I have -- in the
16 development world you kind of know how things
17 react to certain signages and where the
18 perception is, where things are.

19 So the study is if there was a
20 sign there, you would see it coming off the
21 highway, see it at the intersection instead
22 of circling all the way around the building,
23 now you have passed it because remember there

1 is no left turn into there anymore, so it's
2 creating quite a hassle. Really only way of
3 traffic, for people at least notice us now to
4 make that effort to come to the Starbucks.
5 See the sign above the drive-thru, coming off
6 the highway, coming from Beck Road on down to
7 Grand River.

8 CHAIRPERSON GRONACHAN: From the
9 north?

10 MR. MARKUS: Correct.

11 CHAIRPERSON GRONACHAN: So
12 heading north is what the study showed or was
13 it coming or -- I'm sorry. Heading south.

14 MR. MARKUS: Heading south,
15 correct.

16 CHAIRPERSON GRONACHAN: On Beck
17 Road, that's where the challenge is?

18 MR. MARKUS: That's the huge
19 challenge. You know, that's you -- you know,
20 the store surprisingly is off marked by a
21 lot, not just by a little. I'm trying to do
22 everything I can do to salvage this Starbucks
23 location here. So that's the issue I am

1 having, me as a developer, coming in front of
2 you folks to say, I think it behooves us to
3 give them an opportunity to make sure they
4 succeed by giving them that sign over the
5 drive-thru. It looks good, it functions
6 well. We have done this at many other plazas
7 that have similar issues and, you know, I
8 think this brand recognition would really
9 help the store sales there.

10 CHAIRPERSON GRONACHAN: Given the
11 fact that the petitioner has somewhat of a
12 documentation, if you will, showing that
13 there is a hardship, or would justify as
14 hardship, that there is low sales, I would
15 support it at this point, under the condition
16 that you guys don't come back and ask for
17 any --

18 MR. MARKUS: No, we are not
19 coming back.

20 CHAIRPERSON GRONACHAN: You know,
21 we have probably extended way beyond.

22 MR. MARKUS: I am doing it for
23 the other tenants that are in there already.

1 It's just Starbucks leads the pack, where the
2 other tenants will survive by the busyness
3 that is created from Starbucks, for lack of a
4 better word.

5 CHAIRPERSON GRONACHAN: I agree
6 with that. I understand the challenge and
7 being down Beck Road as often as I am, and I
8 did go back down there and look to see just
9 exactly what the visibility is different and
10 it will change as it increases in building.

11 As that builds out more and
12 more, there is going to be more and more of a
13 challenge.

14 So I am willing to support
15 that, and if anybody would like to make a
16 motion.

17 MR. BYRWA: I will give it a
18 shot.

19 CHAIRPERSON GRONACHAN: All
20 right.

21 MR. BYRWA: In Case No.
22 PZ17-0013, Allied Sign, Incorporated, 27212
23 Beck Road, the petitioner is requesting

1 signage in excess of the allowable ordinance,
2 by I believe it's 26.56 square feet to allow
3 three signs on the Starbucks property, and I
4 move that the variance be granted in this
5 case regarding the signage requested. I
6 believe that without the variance, the
7 petitioner would unreasonably be prevented or
8 limited in respect to the property because of
9 the limited visibility, the angle of the
10 building and the traffic flow.

11 The property is unique because
12 of the location from the road, and the
13 traffic flow. The petitioner did not create
14 the variance. I believe the building was
15 already built and you decided to pretty much
16 lease it. You didn't build the building, did
17 you?

18 MR. MARKUS: We built the
19 building subject to the site plan approval
20 process.

21 MR. BYRWA: Okay. And then the
22 relief granted will not unreasonably
23 interfere with the other businesses. I

1 believe right now, the one business adjacent
2 or right next to you is vacant, and then the
3 other one, they're all separate uses, and
4 they wouldn't interfere or they shouldn't
5 interfere with each other.

6 And the relief is consistent
7 in the spirit of the ordinance because it's
8 not -- to me it's not an extreme variance.
9 They're asking for only 26.56 square feet
10 over the allowable, and for that reason, like
11 I said, I make a motion to grant the variance
12 subject to any other input from my fellow
13 members here.

14 MR. PEDDIBOYINA: I second.

15 CHAIRPERSON GRONACHAN: It's been
16 moved and second. Any further discussion?

17 Katherine, would you please
18 call the roll.

19 MS. OPPERMANN: Member Byrwa?

20 MR. BYRWA: Yes.

21 MS. OPPERMANN: Member Krieger?

22 MS. KRIEGER: Yes.

23 MS. OPPERMANN: Chairperson

1 Gronachan?

2 CHAIRPERSON GRONACHAN: Yes.

3 MS. OPPERMANN: Member

4 Peddiboyina?

5 MR. PEDDIBOYINA: Yes.

6 MS. OPPERMANN: Motion passes

7 four to none.

8 MR. STIEBER: Thank you for your

9 time.

10 CHAIRPERSON GRONACHAN: Your

11 variance has been granted. Good luck. We

12 hope not to see you.

13 MR. MARKUS: I won't be back for

14 this project at least.

15 CHAIRPERSON GRONACHAN: Very

16 good. Member Byrwa. Congratulations. Good

17 job.

18 All right. Our next case is

19 PZ17-0014, McCotter Architects and Design,

20 1141 East Lake Drive.

21 The applicant is requesting a

22 variance for a side yard setback of 11 feet

23 9 inches and building overhang setback of

1 13 feet 3 inches. This building is zoned
2 residential, R4.

3 Good evening. And you are?

4 MR. MCCOTTER: Good evening. My
5 name is Tim McCotter, M-c-c-o-t-t-e-r. We
6 are looking for both the side yard setbacks
7 for expanding the existing non-conforming
8 house to allow for a side entry garage so
9 that we can -- there is other properties in
10 the area that have side entry garages, which
11 allows us to go more than a two car garage,
12 we can go a three or four car garage.

13 We are also looking for
14 expansion of the allowable use area for an
15 accessory structure so that we can get a four
16 car garage in there, so it will eliminate the
17 outdoor storage of jet skis and other toys
18 and accessories that come with having a lake
19 home.

20 CHAIRPERSON GRONACHAN: Okay.
21 And you didn't get sworn in. So do you swear
22 or affirm that the testimony that you are
23 about to give is the truth?

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MR. MCCOTTER: I do.

CHAIRPERSON GRONACHAN: Thank you. Do you have anything else to offer?

MR. MCCOTTER: At this point, any questions you might have, I can help to answer.

CHAIRPERSON GRONACHAN: There were 21 letters mailed, two letters returned, one approval, one objection.

The first objection is Chester Morenda, at 1143 East Lake, also objects to both variances. The proposed plan identifies the residents on adjacent lot three is typically placed. It is not. It straddles lot three and new construction lot can place that home 11 feet 9 inches from the applicant's south property line, much closer than appears on the plan. The proposed variance placed the structure too close to the property line two feet, creating a fire hazard to the property -- I'm sorry, creating a fire hazard. Please note garage contains flammable liquid, gasoline and two recent

1 fires last year on the lake where homes were
2 so close together.

3 The current structure has a
4 two car garage. If applicant wishes to add
5 spaces, we ask that he do so in the
6 parameters of the city of the Novi ordinance
7 section cited.

8 Then we have -- I gave you the
9 name, right. Then we have the next approval
10 from David Clark, II, at 1123 East Lake
11 Drive, and without any comments except an
12 approval.

13 Building department, do you
14 have anything to offer?

15 MR. BUTLER: Nothing to offer
16 besides that this is a large structure and he
17 really has no room to go anywhere else with
18 it.

19 Board members.

20 MR. BYRWA: I have a question.
21 Is the total garage or storage space going to
22 exceed the total living space?

23 MR. MCCOTTER: No.

1 MR. BYRWA: Do you know the
2 ratios or numbers?

3 MR. MCCOTTER: Not off the top of
4 my head. It's like quite nine to one. It's
5 close. The garage is getting -- at 948
6 square feet, the existing house is just over
7 1,000 square feet in footprint.

8 CHAIRPERSON GRONACHAN: Anything
9 else, Member Byrwa?

10 MR. BYRWA: No.

11 CHAIRPERSON GRONACHAN: Member
12 Peddiboyina?

13 MR. PEDDIBOYINA: Do you have any
14 diagram, a picture?

15 MR. MCCOTTER: Oh. This was what
16 we submitted. If you want to look at the
17 site, that's at the bottom portion. This is
18 the area where we are looking to put the
19 garage, give us an idea. This is the
20 property line. I believe the response that
21 we were looking for that was a negative is
22 this home here, then this is the existing
23 house. We will be expanding that in the

1 covered porch onto the front.

2 MR. PEDDIBOYINA: Thank you.

3 CHAIRPERSON GRONACHAN: Member
4 Krieger, do you have anything?

5 MS. KRIEGER: No, thank you.

6 CHAIRPERSON GRONACHAN: I see
7 that you have a challenge with the width.
8 The reasoning for that building to be that
9 close to the lot line is because?

10 MR. MCCOTTER: Physical ability
11 to get out of the garage. If we -- part of
12 what we looked at was turning radius of a
13 small car, to get in. We are not looking to
14 get trucks or SUVs or things like that in,
15 but to be able to come down the driveway and
16 actually physically turn into the garage, and
17 be able to back out without going over onto
18 the neighbor's property.

19 We've pulled every trick we
20 can. We have gone over the 22 foot deep
21 garage, instead of the 24 foot that's more
22 standard now. That gave us a little bit more
23 space to be able to have back-up room, things

1 like that.

2 CHAIRPERSON GRONACHAN: So when
3 you complete this -- all of this
4 construction, the house is going to be a
5 little over 1,000 feet?

6 MR. MCCOTTER: On the main level.
7 The upper level, which you can see here, we
8 have the same footprint on the house, we go
9 over the garage with additional living space.

10 CHAIRPERSON GRONACHAN: So again,
11 what's the total square footage of the house
12 not including the garage when you get done?

13 MR. MCCOTTER: I believe we are
14 at 2,500 square feet.

15 CHAIRPERSON GRONACHAN: Then the
16 garage is going to be --

17 MR. MCCOTTER: About 948 square
18 feet.

19 CHAIRPERSON GRONACHAN: I am torn
20 on this, to be honest with you. I realize
21 that the homeowner has a challenge with the
22 property, but I don't know that there
23 wouldn't be a more beneficial -- maybe the

1 word isn't beneficial, not as excessive plan
2 to lay that building that close to the
3 property line, is it necessary, if it wasn't
4 a garage.

5 MR. BYRWA: You know, if I could
6 add to that, the fire separation distance is
7 typically a minimum of five feet, and with
8 that five feet, if one neighbor has five feet
9 and the other neighbor has ten or five feet,
10 then it creates a 10-foot separation for fire
11 purposes, and the likelihood of a fire
12 jumping from one building to the next at 10
13 feet is a lot less likely to happen, and
14 that's a typical fire separation distance of
15 10 feet between buildings. Here the
16 neighbors -- or the petitioner's providing
17 over the 10 feet fire separation distance, if
18 the neighbor provides a minimum of five feet,
19 then that's like 15 feet, you know, and it's
20 clearly over the minimum fire separation
21 distance for structures.

22 MR. MCCOTTER: If I can comment
23 on that. From the building code standpoint,

1 we will have to be fire rated, the back wall
2 of this garage. This garage will have to be
3 fire rated, as well as a portion onto the
4 roof to prevent the fire jumping conditions.
5 We won't get that close to the property line.

6 MR. BYRWA: You agreed to do
7 that?

8 MR. MCCOTTER: It's something we
9 have to do by building code requirements. So
10 we'll eliminate the the windows. There is
11 opening requirements that we have to meet, as
12 well as fire rating requirements that we have
13 to meet when we get a structure this close to
14 the property line.

15 MR. BYRWA: The closest distance
16 is 11, isn't it?

17 MR. MCCOTTER: The closest
18 distance is two feet from the property line.

19 MR. BYRWA: Oh, two feet. Why
20 did I read 11 foot setback?

21 MR. MCCOTTER: Eleven foot is
22 what we are asking as a variance from the
23 required setback.

1 CHAIRPERSON GRONACHAN: There is
2 two feet from the property line.

3 MS. KRIEGER: Can you put your
4 pen around the diagram, where the footprint
5 is of the house that's standing out?

6 MR. MCCOTTER: The footprint as
7 it is standing now is this piece right here.
8 That's the footprint of the house now.

9 This structure that you see
10 here is on the open porch that we pull up in
11 the drawing there, that's that piece there in
12 the drawing. Then this is the garage
13 structure that we are seeing back here.

14 MS. KRIEGER: So it's the
15 addition that's going more into towards the
16 property line?

17 MR. MCCOTTER: The addition goes
18 2.6 feet further than the existing houses
19 currently.

20 CHAIRPERSON GRONACHAN: I have a
21 question for the city attorney. So when I am
22 looking at this, and even though it's an
23 unusual lot size, if they had a smaller

1 garage, they wouldn't need as much of a
2 variance. So my concern is that closeness to
3 the property line. Am I going down the wrong
4 road?

5 MS. SAARELA: I mean, you can
6 find that if they are for asking more of a
7 variance than is necessary, you can grant a
8 lesser variance, if you feel that what
9 they're asking for is too much and it's not
10 necessary.

11 CHAIRPERSON GRONACHAN: The thing
12 that I am struggling with, and I may
13 recommend that you bring this case back next
14 month, and I will tell you why.

15 The thing that I am struggling
16 with is that this garage is going to be two
17 feet from a property line. If he didn't have
18 a garage it wouldn't be two feet, you
19 wouldn't need that kind of a variance.

20 So I am struggling with the
21 definition of self-created. So when you're
22 building something on a lot, and you are
23 requesting the minimum variance, I don't feel

1 that this version is giving you -- you're
2 using that option, to go with the least. And
3 so I am a little concerned about this.

4 MR. MCCOTTER: The alternative is
5 we don't have a garage.

6 MS. KRIEGER: No.

7 MR. BYRWA: You can resubmit
8 another design.

9 MR. MCCOTTER: What I am saying,
10 from the standpoint, from yes, if we submit
11 another design, but it's the garage that's
12 tripping us, which is it self-created, if the
13 owner is not basically said they can't have a
14 garage, because to put a garage in, we have
15 to get close enough -- too close to the
16 property line.

17 CHAIRPERSON GRONACHAN: Is that
18 the hardship?

19 MS. SAARELA: The hardship is the
20 size of the property being near --

21 CHAIRPERSON GRONACHAN: If you
22 want to put a garage somewhere and it doesn't
23 fit the property that -- I mean --

1 MS. SAARELA: I guess you have to
2 shrink the size of the garage. I mean, I
3 don't know -- is that the question?

4 CHAIRPERSON GRONACHAN: Yes.

5 MS. SAARELA: It sounds like you
6 are just struggling with is the garage too
7 big. It's a factual question.

8 MR. MCCOTTER: If we shrink the
9 size of the garage, less than the 22, we
10 can't functionally get anything car-wise into
11 it.

12 CHAIRPERSON GRONACHAN: Isn't it
13 going to be a four car garage?

14 MR. MCCOTTER: I'm looking at the
15 depth, the width of it, inside, not
16 necessarily the length. The depth of the
17 garage is what's giving us the two foot to
18 the side setback. The length is the
19 secondary issue on the accessory size
20 structure.

21 CHAIRPERSON GRONACHAN: Based the
22 way I am looking at this right now, I feel
23 that it's too excessive. That's my opinion.

1 I don't know how the other board members
2 feel. I would -- my recommendation would
3 either be to table it for a full board --

4 MR. PEDDIBOYINA: That's good.

5 CHAIRPERSON GRONACHAN: We have
6 to make a motion. Either table it for next
7 month, or I would be inclined to deny a if a
8 motion was made this evening.

9 What do you feel, board
10 members?

11 MR. BYRWA: Well, he would have
12 the right if it was denied this evening to
13 come back with an alternative plan?

14 CHAIRPERSON GRONACHAN: No.

15 MS. SAARELA: To come with an
16 alternative plan -- he could --

17 CHAIRPERSON GRONACHAN: I am
18 giving the petitioner the benefit of the
19 doubt.

20 MR. BYRWA: Well, there is no
21 guarantee that it would be approved even with
22 a full board. And you may have to come back
23 with an alternative plan.

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MR. MCCOTTER: Yeah.

MR. BYRWA: It would be up to the petitioner to determine whether you want to take a vote tonight with the likelihood of it not being approved, or you want to postpone this to a full compliment of board members possibly at next month's meeting.

MR. MCCOTTER: If I can turn and ask the owner their opinion.

CHAIRPERSON GRONACHAN: Certainly.

MR. MCCOTTER: We prefer to table it at this point.

MR. BYRWA: Thank you very much.

CHAIRPERSON GRONACHAN: So hang on. Hold the phone. So would somebody like to make motion.

MR. BYRWA: I would make a motion that in the Case of PZ17-0014, that it be postponed to the July meeting.

CHAIRPERSON GRONACHAN: All those in favor.

THE BOARD: Aye.

CHAIRPERSON GRONACHAN: Okay. So

1 moved. So it's all approved and we will see
2 you next month.

3 MR. MCCOTTER: Thank you.

4 CHAIRPERSON GRONACHAN: Our next
5 case is PZ17-0015, Mark Ashbaugh and Angela
6 Ditri -- I hope I pronounced that
7 correctly -- at 116 Eubank. Are the
8 petitioners here.

9 Before you go into your case,
10 could you just state your names and spell
11 them for the secretary, then we will swear
12 you in, please.

13 MR. ASHBAUGH: My name is Mark
14 Ashbaugh, M-a-r-k, A-s-h-b-a-u-g-h.

15 MS. DITRI: Angela Ditri,
16 A-n-g-e-l-a, D-i-t-r-i.

17 CHAIRPERSON GRONACHAN: Would you
18 both raise your right hands, please, to be
19 sworn in.

20 Do you swear or affirm to tell
21 the truth in the matter before you?

22 MS. DITRI: I do.

23 MR. ASHBAUGH: I do.

1 CHAIRPERSON GRONACHAN: You may
2 proceed.

3 MR. ASHBAUGH: We are looking to
4 add a garage. I have been here seven years.
5 We have been -- joined houses three years
6 ago, we just don't have a garage, we don't
7 have room. So we kind of are trying to make
8 it look nice. Our house is a Craftsman
9 style. We have hired an architect to draw
10 plans for a Craftsman style garage to go with
11 it.

12 I was on the Franklin historic
13 commission for a number of years and that's
14 what we try do to kind of separate the house
15 to keep the original looking house. The
16 house was built in 1930, so I want to keep
17 that original structure and then add a
18 complimentary structure with it.

19 CHAIRPERSON GRONACHAN: Do you
20 have anything else to offer?

21 MR. ASHBAUGH: I don't know.
22 First time I am doing this, so --

23 CHAIRPERSON GRONACHAN: You're a

1 newbie. Ms. Ditri, do you have anything to
2 offer at this time?

3 MS. DITRI: No. I am new at this
4 as well, so we will answer your questions.

5 CHAIRPERSON GRONACHAN: Is there
6 anyone in the audience that wishes to make a
7 statement on this case? Seeing none, in
8 regards to the correspondence, there were 116
9 letters mailed, 21 letters returned. You
10 have one fan out of all of that.

11 That is from a Douglas Heath,
12 and I apologize, this is not a very good
13 photocopy. I believe it's 105 South Lake
14 Drive. It is an approval. I would verify
15 that address.

16 Building department, do you
17 have anything to offer?

18 MR. BUTLER: No comment.

19 CHAIRPERSON GRONACHAN: Okay.
20 Board members. Member Krieger.

21 MS. KRIEGER: I think that's very
22 nice that -- to keep it complimentary with
23 the house and driving by there, I don't see

1 any issues with that. Thank you.

2 CHAIRPERSON GRONACHAN: Okay.

3 Member Peddiboyina?

4 MR. PEDDIBOYINA: Can you explain
5 the diagram, what exactly is on the picture?

6 MS. DITRI: We have the -- I
7 don't know if this helps you at all or not,
8 but this is the existing home right here.

9 MR. ASHBAUGH: There is a dormer
10 upstairs with the two bedrooms in the front.

11 MS. DITRI: On the home, and then
12 we have a large porch here that expands out
13 and we can see the lake from there, which we
14 are keeping that open, and the garage -- this
15 is the front -- like you will drive in
16 sideways into the garage, so this is just a
17 window here, the garage door is actually
18 here, so if we see in this -- sorry, down
19 here is front and this here is where the
20 street is, so you're looking at this, this is
21 the street view here, where you're looking at
22 that, that's the front view. I don't know if
23 that answers your question.

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CHAIRPERSON GRONACHAN: Yes.

MR. ASHBAUGH: We wanted to make it -- like I said, cohesive with the house, but also attach it. So we had the little side porch, like a breezeway coming out, so we can get from the garage, up to the steps and into the front porch without getting snow or rain or whatever. That's kind of how we decided to attach that.

MR. PEDDIBOYINA: Thank you.

CHAIRPERSON GRONACHAN: Member Byrwa.

MR. BYRWA: What is the ratio between the lot coverage of the garage and the lot coverage of the house? Is the garage more now?

MR. ASHBAUGH: The square footage of the house is 1,152 and the garage is 787 square feet.

MR. BYRWA: Both garages, not just the new one?

MR. ASHBAUGH: We don't have any garage right now. We want to build this

1 three car garage with some storage upstairs.

2 That is 787 square feet.

3 MR. BYRWA: Thank you.

4 CHAIRPERSON GRONACHAN: My
5 question for you is, the upstairs, is that
6 going to be living or storage?

7 MR. ASHBAUGH: Just storage.
8 Like I said, we combined houses a couple
9 years ago. We have boxes everywhere. We
10 have a pool table that we haven't seen in a
11 couple years, that's in the basement of the
12 house, so we just wanted to clean things up
13 and, you know, try to get organized.

14 CHAIRPERSON GRONACHAN: I can
15 relate. I moved in January. I am still
16 tripping over boxes.

17 So I just want to verify, with
18 the building department, it's just a 2.4 feet
19 variance setback that they're requiring, so
20 when they get done, they're going to be at
21 28.6?

22 MR. BUTLER: Yes.

23 CHAIRPERSON GRONACHAN: I have no

1 problem. I think that this is a minimum
2 requirement that you're asking for.

3 I think that you're improving
4 where you are. I think that you did it
5 right, and garage space is key, especially in
6 Michigan. I think we all need them. And I
7 wish I could have one.

8 With that, I would be in
9 support of it.

10 If there is no further
11 discussion, if anyone would like to make a
12 motion. Member Krieger.

13 MS. KRIEGER: In Case No.
14 PZ17-0015, for 116 Eubank Street, I move to
15 grant the request for the variance sought by
16 the petitioner. He's shown a practical
17 difficulty that the accessory structure will
18 not impede but will increase the value of
19 surrounding properties.

20 The variance will not
21 unreasonably prevent -- well, the petitioner
22 will be unreasonably prevented or limited
23 with respect to use of their property. I was

1 reading the wrong one -- counsel?

2 MS. SAARELA: I am sorry. I was
3 not listening to which one you were reading.
4 Are you reading off the sheet --

5 MS. KRIEGER: Yes. I'll back up
6 a minute.

7 MS. SAARELA: The one in the
8 packet is the right standard.

9 MS. KRIEGER: Without the
10 variance, petitioner will be unreasonably
11 prevented or limited with respect to the use
12 of their property. The property is unique
13 because of its topography and placement in
14 the subdivision. The petitioner did not
15 create the condition, because of the lot
16 size, it was already as-is.

17 The relief granted will not
18 unreasonably interfere with adjacent or
19 surrounding properties, will increase
20 property values and it is garage size versus
21 house size footprints are proportional.

22 The relief is consistent with
23 the spirit and intent of the ordinance

1 because of Michigan weather.

2 MR. BYRWA: I will second.

3 CHAIRPERSON GRONACHAN: It's been
4 moved and seconded. Any further discussion?

5 Katherine, please call the
6 roll.

7 MS. OPPELMANN: Member Byrwa?

8 MR. BYRWA: Yes.

9 MS. OPPELMANN: Member Krieger?

10 MS. KRIEGER: Yes.

11 MS. OPPELMANN: Chairperson
12 Gronachan?

13 CHAIRPERSON GRONACHAN: Yes.

14 MS. OPPELMANN: Member
15 Peddiboyina?

16 MR. PEDDIBOYINA: Yes.

17 MS. OPPELMANN: Motion passes
18 four to zero.

19 CHAIRPERSON GRONACHAN: Your
20 variance has been granted. I am sure you
21 will be in touch with the building
22 department.

23 MR. ASHBAUGH: Thank you.

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CHAIRPERSON GRONACHAN: Case No.
PZ17-0016, Adam Czap at 22420 Havergale
Street, east of Beck, north of Nine.

The applicant is requesting a
variance for a rear yard setback of 20 feet
to build above an existing structure and
35 feet minimum setback is usually required.

Good evening. Are you
Mr. Czap?

MR. CZAP: I am.

CHAIRPERSON GRONACHAN: Good
evening. Would you please state your name,
your full name to the secretary and spell it.

MR. CZAP: Adam Czap, A-d-a-m,
C-z-a-p.

CHAIRPERSON GRONACHAN: Would you
raise your right hand to be sworn in.

So you swear or affirm to tell
the truth in the matter before you?

MR. CZAP: Yes.

CHAIRPERSON GRONACHAN: You may
proceed.

MR. CZAP: We have an existing

1 deck and we would like to turn into it a
2 sunroom. And we are a little too close to
3 the back of our property. The back of our
4 property has got a wooded area behind it, and
5 doesn't stick out from the sides of our house
6 and the existing deck is on stilts, those
7 will be reinforced in a couple of areas which
8 are noted on there. Not even sure if that is
9 a requirement.

10 But I am here to answer any
11 question you may might have.

12 CHAIRPERSON GRONACHAN: Is there
13 anyone in the audience that wishes to make
14 comment on this case?

15 Seeing none, building
16 department.

17 MR. BUTLER: No comment.

18 CHAIRPERSON GRONACHAN: Okay.
19 Correspondence. There were 20 letters
20 mailed, zero letters returned, and three
21 approvals. First approval is from Paul and
22 Melissa Bowers, at 2239 Havergale. The
23 second approval is from John and Mary Jane

1 Rugeman, R-u-g-e-m-a-n, at 46040 West Nine
2 Mile. They have an approval, and they
3 basically state they -- their property line
4 adjoins the backyards of the four subdivision
5 lots, one of which is owned by our
6 petitioner. We have no problem with the
7 variance requested as it does not affect any
8 present structure on our property. Please
9 grant the variance.

10 And then the final is from --
11 oh, boy, Jerry -- can you help me with the
12 last name?

13 MR. CZAP: I don't know how to
14 say it either. Nice people though.

15 CHAIRPERSON GRONACHAN: From the
16 nice people at 22456 Havergale. We don't
17 have any problem as long as it doesn't extend
18 from --

19 MR. CZAP: I think they're trying
20 to say past the existing structure thing.

21 CHAIRPERSON GRONACHAN: From
22 covered extension deck. So I would take that
23 as an approval.

1 Board members, do you have
2 anything to offer?

3 MR. BYRWA: I have a question for
4 the building department.

5 CHAIRPERSON GRONACHAN: Member
6 Byrwa.

7 MR. BYRWA: In this situation, we
8 have an existing deck, you want to put a
9 three-season room on it, or cover it. Is the
10 building department going to require that
11 some sort of -- I don't want to say critter
12 protection, like a rot wall or something,
13 although the existing footings, post footings
14 would hold up the structure, it seems like
15 you're creating a nice dry space for critters
16 to take up residency underneath. And without
17 it being kind of sealed, or a rot wall,
18 you're just inviting all the neighborhood
19 critters to live underneath there.

20 MR. CZAP: If I could comment on
21 that. I'm not sure how much he knows about
22 what we are doing.

23 The plan actually is to seal

1 off the entire thing. So underneath the
2 floor we are going to put insulation and
3 close it right in. If that's what you're
4 referring to.

5 MR. BYRWA: We are talking at the
6 perimeter of the structure. We are looking
7 at like some kind of like a rot wall to
8 prevent critters from living underneath.

9 MR. CZAP: I see what you are
10 saying. We have a walk-out basement, so the
11 kitchen is actually above the floor. If the
12 deck wasn't there, and you walked out of our
13 kitchen, you would fall about six or
14 eight feet. So there is -- you can walk
15 underneath right now, like I have a power
16 washer -- it's a big area.

17 MR. BYRWA: It's not necessarily
18 a dry space, it's going to be an elevated --

19 MR. CZAP: It's elevated, yes. I
20 think from the ground, so we have got a patio
21 down on the walkout, so the deck sits up
22 here, the walkout is down here, the
23 difference between here and there is like a

1 flight of 15 or 12 stairs.

2 MR. BYRWA: It's not a nice dry
3 warm area for critters to lodge?

4 MR. CZAP: Nope.

5 MR. BYRWA: Thank you.

6 CHAIRPERSON GRONACHAN: Anyone
7 else? Member Krieger?

8 MS. KRIEGER: This structure, is
9 that the one that's toward the south that
10 you're going to enclose?

11 MR. CZAP: The south, what do you
12 mean?

13 MS. KRIEGER: Of the house?

14 MR. CZAP: Yes.

15 MS. KRIEGER: Then it would be
16 extending like as a neighborhood setting,
17 just putting a roofing over it?

18 MR. CZAP: It's the same thing
19 that we already have, just goes up and put a
20 roof over on and some windows and --

21 MS. KRIEGER: Underneath is where
22 it's a walkout --

23 MR. CZAP: Not underneath the

1 actual deck. The walkout is like if you were
2 standing in Mr. and Mrs. Rugeman's yard,
3 facing the back of my house, the deck would
4 be here and the walkout is actually over here
5 off to the side. So there is nothing under
6 there.

7 MS. KRIEGER: Thank you.

8 CHAIRPERSON GRONACHAN: I have no
9 questions and I am in full support. I think
10 that this is a minimum request. I am a fan
11 of Florida rooms in Michigan. They should
12 name them differently in this state, I think,
13 because lord knows we need them. Three
14 seasons.

15 So I think that you have done
16 your homework and it is unfortunate where the
17 woods play havoc, just make you enjoy your
18 home -- it just allows you to enjoy your home
19 on a longer basis.

20 MR. CZAP: I am pretty excited
21 about it because we have two little kids, our
22 office space on the first floor is where
23 their playroom is right now, so I have got

1 really no place for any peace and quiet. No
2 TVs, no anything, just a quiet room to sit
3 in.

4 CHAIRPERSON GRONACHAN: I would
5 entertain a motion if anybody is ready. I
6 think Member Krieger is.

7 MS. KRIEGER: In Case No.
8 PZ17-0016, I move that we grant the request
9 sought by the petitioner that without the
10 variance, petitioner will be unreasonably
11 prevented or limited with respect to the use
12 of their property, because of the -- as
13 described the -- where it's enclosed with
14 trees and forest and that would increase the
15 mosquitoes in Michigan, that makes it
16 difficult to enjoy one's outer space, and the
17 backyards.

18 The property is unique because
19 it abuts a wooded area. The petitioner did
20 not create the condition or he was -- the
21 deck was there. The relief granted will not
22 unreasonably interfere with adjacent or
23 surrounding properties, that would increase

1 property values. The relief is consistent
2 with the spirit and intent of the ordinance
3 because of its minimum request.

4 MS. SAARELA: Second.

5 CHAIRPERSON GRONACHAN: It's been
6 moved and second. Any further discussion?
7 Seeing none, Katherine, will you call roll.

8 MS. OPPERMANN: Member Byrwa?

9 MR. BYRWA: Yes.

10 MS. OPPERMANN: Member Krieger?

11 MS. KRIEGER: Yes.

12 MS. OPPERMANN: Chairperson
13 Gronachan?

14 CHAIRPERSON GRONACHAN: Yes.

15 MS. OPPERMANN: Member
16 Peddiboyina?

17 MR. PEDDIBOYINA: Yes.

18 MS. OPPERMANN: Motion passes.

19 CHAIRPERSON GRONACHAN: All
20 right. Your variance has been granted.
21 Congratulations. I hope you get that peace
22 and quiet soon.

23 So as previously stated,

1 PZ17-0017 has been postponed until next
2 month.

3 And so that leaves us with
4 PZ16-0018, Northern Equity Properties, west
5 of Haggerty Road, north of Thirteen. The
6 applicant is requesting a variance from the
7 City of Novi for a setback of 51.66 feet for
8 a proposed dumpster.

9 Good evening, and you are?

10 MR. PUTLER: Good evening. My
11 name is Jim Putler. I'm with a company
12 called DEA. I am here on behalf of Pat Sozum
13 (ph) with Northern Equities. Last name is
14 spelled P-u-t-l-e-r.

15 CHAIRPERSON GRONACHAN: Would you
16 please raise your right hand to be sworn in.

17 Do you swear or affirm that
18 the information you are about to give in the
19 matter before you is the truth?

20 MR. PUTLER: Yes.

21 CHAIRPERSON GRONACHAN: Thank
22 you. You may proceed.

23 MR. PUTLER: Good evening. We

1 are here this evening asking for a variance
2 for a dumpster. Pursuant to your zoning
3 ordinance, the dumpster has to be located in
4 a rear yard.

5 This property has some unique
6 characteristics to it, one of them being a
7 high tension power lines that run north south
8 through the property, placing the building on
9 the site, not having it too close to the
10 power lines, has been a challenge.

11 So we are here asking for a
12 variance of 51.66 feet for the dumpster to be
13 placed in the rear yard. Pursuant to your
14 ordinance, we are supposed to be 108 feet
15 eight inches. We don't think this will have
16 any negative impact upon the adjacent
17 property owners and the only effect the
18 property really would be M5, but the dumpster
19 is turned in such a way that you will never
20 see it, it will be screened and landscaped
21 around.

22 I will be happy to answer any
23 questions you may have.

1 CHAIRPERSON GRONACHAN: There is
2 clearly no one in the audience to make
3 comment on this case. Building department?

4 MR. BUTLER: They have identified
5 the back of their building is facing M5, so
6 they're not really facing the public. They
7 really have no location to put that dumpster.
8 That is the best location that we identified
9 as that location.

10 CHAIRPERSON GRONACHAN: Okay. In
11 regards to correspondence, 27 letters were
12 mailed, seven letters were returned, no
13 objections, no approvals.

14 Board members.

15 I have a question just to help
16 everything get going. Can you point out on
17 this picture clearly where exactly the
18 dumpster is, where you are placing it.

19 MR. PUTLER: The dumpster is
20 located right in this location. Okay. This
21 is the M5 right-of-way.

22 CHAIRPERSON GRONACHAN: Where
23 should it have been, if you would have put it

1 where it was supposed to go?

2 MR. PUTLER: It has to be a
3 100 feet 8 inches, it would need to be
4 somewhere in here.

5 CHAIRPERSON GRONACHAN: That's
6 clearly the parking lot, correct?

7 MR. PUTLER: Yes.

8 CHAIRPERSON GRONACHAN: That
9 would be pretty unsightly, to say the least.

10 Also, it would also not be a
11 good use of space really, at that point
12 because you're taking away parking from the
13 site.

14 MR. PUTLER: You would be taking
15 away parking, the proximity to the door in
16 the building. There is handicapped spaces
17 that are there. So it would be taking away
18 some pretty good parking.

19 CHAIRPERSON GRONACHAN: Anyone
20 else? Member Peddiboyina.

21 MR. PEDDIBOYINA: Thank you. Do
22 you have any dumpster currently? You don't
23 have any dumpster right now?

1 MR. PUTLER: This building has
2 been not built as of yet. It's a speculative
3 building. We did receive site plan approval
4 last month.

5 MS. SAARELA: Thank you.

6 MS. KRIEGER: You said it would
7 be screened in?

8 MR. PUTLER: It will be
9 completely screened pursuant to your
10 ordinance, walls, gates and typically
11 landscaping that's around it.

12 MS. KRIEGER: Thanks.

13 CHAIRPERSON GRONACHAN: Would
14 anyone like to entertain a motion if there is
15 no further discussion. I think that would be
16 Member Krieger again.

17 MS. KRIEGER: In Case No.
18 PZ17-0018, I move to grant the request by the
19 petitioner, that the petitioner will be
20 unreasonably prevented or limited with
21 respect to the use of the property as
22 described, that the dumpster would be more in
23 the parking lot and in the way versus with

1 the variance, they have a proper location for
2 it, and the property is unique because of its
3 location along the M5 corridor. The
4 petitioner did not create this condition,
5 because of the planning.

6 The relief granted will not
7 unreasonably interfere with adjacent or
8 surrounding properties because as described
9 it will be enclosed, and according to
10 planning.

11 The relief is consistent with
12 the spirit and intent of the ordinance
13 because of fulfilling its requirement.

14 MS. SAARELA: Second.

15 CHAIRPERSON GRONACHAN: It's been
16 moved and second. Any further discussion?

17 Katherine, please call the
18 roll.

19 MS. OPPERMANN: Member Byrwa?

20 MR. BYRWA: Yes.

21 MS. OPPERMANN: Member Krieger?

22 MS. KRIEGER: Yes.

23 MS. OPPERMANN: Chairperson

1 Gronachan?

2 CHAIRPERSON GRONACHAN: Yes.

3 MS. OPPERMANN: Member

4 Peddiboyina?

5 MR. PEDDIBOYINA: Yes.

6 MS. OPPERMANN: Motion passes.

7 CHAIRPERSON GRONACHAN: All set.

8 Congratulations. When will the building be
9 completed?

10 MR. PUTLER: They are still in
11 lease negotiations with potential prospects.
12 Hopefully we will be submitting plans within
13 the next month or so, if all goes well.

14 CHAIRPERSON GRONACHAN: We will
15 have our fingers crossed for you. Good luck.

16 Since we were all off our norm
17 today. Let's go back to the minutes for
18 April and May of 2017.

19 Does anyone have any
20 additions, subtractions or corrections to be
21 made on the minutes of April and May?

22 Seeing none, all those
23 approving the minutes say aye.

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THE BOARD: Aye.

CHAIRPERSON GRONACHAN: Minutes
for May and April are approved.

Is there anything -- any other
topics to be discussed? Entertain a motion
to adjourn.

MS. KRIEGER: Moved.

MR. BYRWA: Second.

CHAIRPERSON GRONACHAN: All those
in favor say aye.

THE BOARD: Aye.

CHAIRPERSON GRONACHAN: Meeting
adjourned.

(The meeting was adjourned at 8:10 p.m.)

** ** *

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 meeting was taken before me in the above entitled matter at the
7 aforementioned time and place; that the meeting was
8 stenographically recorded and afterward transcribed, and that the
9 said meeting is a full and correct transcript.

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

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

16 6-28-17

17 

18 Date Jennifer L. Wall CSR-4183
19 Oakland County, Michigan
20 My Commission Expires 11/12/22

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