

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

REGULAR MEETING - ZONING BOARD OF APPEALS

CITY OF NOVI

Tuesday, September 10, 2013

Proceedings taken in the matter of the ZONING BOARD OF APPEALS, at City of Novi, 45175 West Ten Mile Road, Novi, Michigan, on Tuesday, August 13, 2013

BOARD MEMBERS

Brent Ferrell, Acting Chairperson

Rickie Ibe

James Gerbl ick

Mav Sanghvi

ALSO PRESENT: Charles Boulard, Community Development Director

Beth Saarela, City Attorney

Coordinator: Angela Pawlowski, Recording Secretary

REPORTED BY: Jennifer L. Wall, Certified Shorthand Reporter

1
2
3

INDEX

Case No.	Page
PZ-13-0041	7

♀

4	130910. txt PZ-13-0042	14
5	PZ-13-0043	22
6	PZ-13-0044	31
7	PZ-13-0045	46
8	PZ-13-0046	60
9	PZ-13-0047	61
10	PZ-13-0048	63
11		
12		
13		
14		
15		
16		
17		
18		
19		
20		
21		
22		
23		
24		
25		

♀

3

1 Novi , Mi chi gan.
2 Tuesday, September 10, 2013
3 7: 00 p. m.
4 ** ** **
5 CHAI RPERSON FERRELL: Good
6 evening and welcome to the Zoning Board of
7 Appeals regul ar meeti ng September 10th, 2013.
8 I' d like to ask everybody to

9 rise for the Pledge of Allegiance, I lead by
10 Member Ibe.

11 (Pledge recited.)

12 CHAIRPERSON FERRELL: Ask Ms.
13 Pawlowski to call the roll.

14 MS. PAWLOWSKI: Chairman Ferrell?

15 CHAIRPERSON FERRELL: Here.

16 MS. PAWLOWSKI: Member Gedeon is
17 absent, excused.

18 Member Gerblick?

19 MR. GERBLICK: Here.

20 MS. PAWLOWSKI: Member Ghannam is
21 absent.

22 Member Ibe?

23 MR. IBE: Present.

24 MS. PAWLOWSKI: Member Krieger is
25 absent, excused.

♀

4

1 And Member Sanghvi?

2 MR. SANGHVI: Here.

3 CHAIRPERSON FERRELL: This is a
4 public hearing format. Rules of conduct are
5 in the back, if anybody would like a copy. I
6 would ask if everybody would turn off their
7 cellphones or pagers if they do have any on.

8 Also when you're called up to
9 the podium, if you would raise your hand if
10 you are not an attorney, be sworn in by our
11 secretary and spell your name for our
12 reporter.

13 And approval of the agenda?

14 Is there any changes to it?

15 MR. GERECKE: Yes. Case No.
16 PZ13-0036 for Feldman Automotive. They have
17 asked to be tabled until the October 8th
18 meeting.

19 CHAIRPERSON FERRELL: Any other
20 changes?

21 MS. PAWLOWSKI: No.

22 CHAIRPERSON FERRELL: Do I hear a
23 motion or approval of the agenda?

24 MR. SANGHVI: So moved to approve
25 the amended agenda.

♀

5

1 MR. GERBLICK: Second.

2 CHAIRPERSON FERRELL: Motion and
3 a second. All in favor say aye.

4 THE BOARD: Aye.

5 CHAIRPERSON FERRELL: Then onto
6 minutes. Any.

7 Changes or additions to the
8 minutes?

9 (No audible responses.)

10 CHAIRPERSON FERRELL: Do I hear a
11 motion for approval of the minutes?

12 MR. SANGHVI: So moved for --

13 MR. GERBLICK: Second.

14 CHAIRPERSON FERRELL: Should I do
15 this for July?

16 MS. SAARELA: Do them separate.

17 CHAIRPERSON FERRELL: Motion for
18 June 11th, 2013 minutes? Hear a motion for

19 that? 130910.txt
20 MR. SANGHVI: So moved.
21 MR. GERBLICK: Second.
22 CHAIRPERSON FERRELL: All in
23 favor.
24 THE BOARD: Aye.
25 CHAIRPERSON FERRELL: And do I

6

1 hear a motion for approval of the July 9th,
2 2013 minutes?
3 MR. SANGHVI: So moved.
4 MR. IBE: Second.
5 CHAIRPERSON FERRELL: Motion and
6 a second. All in favor?
7 THE BOARD: Aye.
8 CHAIRPERSON FERRELL: Now I ask
9 if there is any public remarks that anybody
10 that wants to come up and say anything that
11 is related to the Zoning Board of Appeals
12 that is not related to any case that we are
13 having this evening.
14 (No audible responses.)
15 CHAIRPERSON FERRELL: Seeing
16 none, move onto our first case.
17 There is only four members on
18 the board today. So if anybody would like to
19 have their case tabled until the following
20 month, to have a full panel, you may do so
21 because today's decisions will be final.
22 Move onto our first case,
23 PZ13-0041, 2015 West Lake Drive, aka 2018

24

West Lake Drive.

25

Please come up to the podium.

7

1

MR. COON: I'm Ronald Coon.

2

CHAIRPERSON FERRELL: Your

3

address.

4

MR. COON: 2018 West Lake.

5

CHAIRPERSON FERRELL: Be sworn in

6

by our secretary. Are you an attorney?

7

MR. COON: No.

8

MR. IBE: In Case No. PZ13-0041

9

2015 West Lake Drive, also known at 2018 West

10

Lake Drive, do you swear or affirm to tell

11

the truth?

12

MR. COON: Yes.

13

MR. IBE: Thank you.

14

MR. COON: I don't know how this

15

thing works, so I'm just asking for the

16

three-foot variance advance. I understand

17

that due to a previous follow-up, the

18

building got located in the wrong location

19

and this is why we are here today.

20

CHAIRPERSON FERRELL: Is that it?

21

MR. COON: Yeah, we are trying to

22

make the best thing out of this mess.

23

Building was originally not supposed to have

24

been there apparently. But that's where the

25

previous owner was told to put the building

8

1

and obviously it's wrong. So that's why we

2

are here today. It seems to be a simple

3 request, so hopefully this will clear up
4 easily.

5 CHAIRPERSON FERRELL: Is that it?

6 MR. COON: Yes, I guess I'm done.

7 CHAIRPERSON FERRELL: Thank you.

8 Ask the city if there is any comments?

9 MS. SAARELA: I don't have
10 anything to add.

11 MR. BOULARD: Nothing to add.

12 CHAIRPERSON FERRELL: Seeing
13 none, I will open it up to the board -- or
14 ask the secretary to read any correspondence.
15 Oh, any public remarks regarding this case?

16 Please step forward to the
17 podium, be sworn if you are not an attorney.

18 State your full name and
19 address.

20 MR. SZYMANSKI: Gary Szymanski,
21 2012 West Lake Drive.

22 CHAIRPERSON FERRELL: Raise your
23 right hand -- spell your last name for us as
24 well.

25 MR. SZYMANSKI: S, as in Sam, Z,

♀

9

1 as in Zebra, Y, m-a-n-s-k-i.

2 MR. IBE: In Case No. PZ13-0041,
3 2015 West Lake Drive, do you swear or affirm
4 to tell the truth?

5 MR. SZYMANSKI: I do.

6 MR. IBE: Thank you.

7 MR. SZYMANSKI: My wife and I
Page 7

8 moved into 2012 West Lake Drive in February
9 of this year, and since that point, Mr. Coon
10 has put a tremendous amount of effort, we
11 think, into improving the -- improving the
12 appearance and so forth of his house. I
13 think he's done a tremendous job so far and
14 he shared with us his plans to further
15 renovate the property, which I think would
16 only benefit himself but also the rest of the
17 neighborhood.

18 We are one house away from
19 Mr. Coon, right next-door neighbors. My wife
20 and I would strongly support his efforts to
21 obtain the variance today, and allow him to
22 continue some further construction on the
23 property.

24 When we put forth to the board
25 last year for our property, we also required

♀

10

1 a variance and we were granted it, and
2 appreciated that, but I think that it would
3 also be a tremendous move for the whole
4 neighborhood to allow that for Mr. Coon also.

5 CHAIRPERSON FERRELL: Thank you.

6 MR. GERBLICK: Sir, do you mind
7 answering a question for me.

8 Are you the neighbor that
9 would be directly effected by the variance
10 requested on that side of the property?

11 MR. SZYMANSKI: No. I believe --
12 no, I believe the property -- the variance

13 would be from the other side of the property.

14 MR. GERBLICK: Thank you.

15 CHAIRPERSON FERRELL: Ask for any
16 correspondence from the secretary.

17 MR. IBE: In Case No. PZ13-0041,
18 there were 37 mailed correspondence, three
19 return mail, 17 approvals, zero objections.

20 The approvals are from Dean
21 Simon, "about time to get it done, okay".

22 Al Evers, 109 Penhill Street,
23 "the addition will help the curb appeal of
24 the area".

25 Olden Jackson at 116 Penhill,

♀

11

1 just simply approved.

2 Marion Vanover wrote, "let him
3 build".

4 Joni and Dan McCracken said,
5 "we support anything that Mr. Coon would like
6 to build or do with this property".

7 And Brian Larimer wrote,
8 "absolutely, no reason not to".

9 Elizabeth Burkett wrote, "I
10 think the project would be an improvement to
11 the neighborhood."

12 And Kevin Byrd wrote, "no
13 objections".

14 Nicholas Malles wrote, "we
15 trust that Ron will improve the property and
16 agree with his plans".

17 Carol Ames wrote, "I have no
Page 9

18 objections to Ron Coon's addition, it will
19 compliment our neighborhood".

20 William Curtis wrote, "you
21 should print a small map of the variance for
22 residents to view. Words don't tell story."

23 Marvin and Marion wrote, "Ron
24 is a great neighbor and wants to improve the
25 property".

♀

12

1 That's it, Mr. Chair.

2 CHAIRPERSON FERRELL: Thank you.
3 I will open it up to the board for
4 discussion.

5 Mr. Sanghvi, thank you.

6 MR. SANGHVI: Mr. Chair, thank
7 you. I went and saw this property a couple
8 of days ago. And there is no way you can
9 build anything without variances in this
10 area.

11 And I have no problem
12 supporting the application for the variances.
13 Thank you.

14 MR. GERBLICK: Sir, for the
15 footprint, just from my understanding, the
16 existing footprint of the structure, you're
17 not expanding to encroach on that setback any
18 further. It would be --

19 MR. COON: No. The structure is
20 built currently seven feet off the lot line
21 on the south side. And we just intended to
22 continue that on because when this structure

23 was originally designed, there is supports
24 and stuff like that put into the structure
25 that was planned for the addition.

13

1 MR. GERBLICK: Thank you.

2 MR. COON: Hence the reason it
3 needs to be that way.

4 MR. GERBLICK: Mr. Chair, I have
5 no problem with the requested variance.

6 CHAIRPERSON FERRELL: Thank you.
7 Any further discussion?

8 (No audible responses.)

9 MR. GERBLICK: In Case No.
10 PZ13-0041, 2015 West Lake Drive, I move that
11 we approve the variance as requested. There
12 are unique circumstances or physical
13 conditions of the property and the need of
14 the variance is not due to the applicant's
15 personal or economic difficulty.

16 The need is not self-created
17 because of the existing structures on the
18 property. Strict compliance with regulations
19 governing area setback, frontage, height,
20 bulk density or other dimensional
21 requirements will unreasonably prevent the
22 property owner from using the property for
23 its permitted purpose or will render
24 conformity with those regulations
25 unnecessarily burdensome.

14

1 The requested variance is the
2 minimum variance necessary to do substantial
3 justice to the applicant as well as other
4 property owners in the district. The
5 requested variance will not cause an adverse
6 impact on surrounding property, property
7 values or the use and enjoyment of property
8 in the neighborhood or zoning district.

9 MR. SANGHVI: Second.

10 CHAIRPERSON FERRELL: I have a
11 motion and a second.

12 Ms. Pawlowski, call the roll.

13 MS. PAWLOWSKI: Member Gerbl ick?

14 MR. GERBLI CK: Yes.

15 MS. PAWLOWSKI: Member I be?

16 MR. I BE: Yes.

17 MS. PAWLOWSKI: Member Sanghvi ?

18 MR. SANGHVI: Yes.

19 MS. PAWLOWSKI: Chair person

20 Ferrell ?

21 CHAIRPERSON FERRELL: Yes.

22 MS. PAWLOWSKI: Moti on passes

23 four to zero.

24 CHAIRPERSON FERRELL: Thank you.

25 Moving onto Case No. PZ13-0042, 27200 Beck

♀

15

1 Road, Tom' s Bar and Grill .

2 MR. QUI NN: Good evening,
3 gentlemen, Matthew Qui nn, appearing on behal f
4 of Tom Palusaj , the owner of Tom' s Bar and
5 Grill .

6 We are here this evening to
7 request a variance to be granted on this
8 parcel.

9 Just to let you know where
10 this is, this is Beck Road on the drawing,
11 which is to the west. This is Citygate
12 Drive, which is the access drive directly to
13 the north is Tim Horton's and the gas
14 station. Directly to our south is Chase
15 Bank.

16 Mr. Palusaj is redeveloping
17 this existing building and he's going to
18 expand it into a bar and grill, 5,700 square
19 foot sit-down restaurant, on his 1.88 acres.

20 At this point, we have
21 received special land use from the planning
22 commission and site plan approval subject to
23 the one variance that we're requesting.

24 The variance is very simple.
25 On the north side of the building the

♀

16

1 ordinance requires a 50-foot exterior side
2 yard setback because of the existing
3 building, and the construction of Citygate
4 Drive, we only have 15 feet that's available,
5 so we are requesting a variance of 35 feet
6 for that side yard.

7 Now, the practical difficulty
8 is obvious. We're using, reusing an existing
9 building and expanding it rather than tearing
10 it down.

130910.txt

11 This variance is unique to
12 this piece of property because of that
13 existing building, and as you can see, all
14 the parking is going to the rear of this
15 structure.

16 Also the variance we are
17 asking for is the minimum variance that's
18 possible because of the existence of the
19 existing building and there is absolutely no
20 adverse impact on any of the surrounding
21 property.

22 So we meet the criteria and we
23 would ask your unanimous vote in granting the
24 variance.

25 CHAIRPERSON FERRELL: Thank you

17

♀
1 for your presentation.

2 Anybody in the public have any
3 remarks or comments?

4 (No audible responses.)

5 CHAIRPERSON FERRELL: Seeing
6 none, the city have any comments?

7 MR. BOULARD: Nothing to add.

8 MS. SAARELA: I have nothing to
9 add.

10 CHAIRPERSON FERRELL: I will have
11 the secretary read any correspondence.

12 MR. IBE: In Case No. PZ13-0042,
13 Tom's Bar and Grill. There were 14
14 correspondence mailed, two returned mails,
15 zero approvals, zero objections.

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

18 MR. IBE: Just a quick comment,
19 Mr. Quinn.

20 I am finally glad to see that
21 this property is being put to good use.

22 Every time I drive by Beck
23 Road, my family always points out that
24 property is like an eyesore there, it stands
25 out. What are they going to do with this

♀

18

1 place. And to know that someone is going to
2 put it to good use and it will serve the city
3 very well, I have absolutely no objections.

4 MR. QUINN: Very good.

5 CHAIRPERSON FERRELL: Thank you.
6 Anybody else?

7 MR. GERBLICK: Mr. Quinn, just
8 looking at the proposed drawings here, is
9 this the driveway, both driveways existing
10 already or are those going to be added on as
11 well as the addition to the building?

12 MR. QUINN: To the north, that
13 exists already, all the way up to where it
14 ends there. That was constructed by the Tim
15 Horton's development.

16 This driveway right through
17 here -- well, this is Chase Bank. Right now
18 it stops here. It does go all the way
19 through. That answers that.

20 MR. GERBLICK: Thank you.

21 CHAIRPERSON FERRELL: Any other
22 discussion? Entertain a motion?

23 MR. IBE: I will make one. In
24 Case No. PZ13--042, Tom's Bar and Grill, I
25 move that we approve the request as made by

19

1 the applicant for the following reasons.

2 One, there are unique
3 circumstances or physical conditions of the
4 property, such as the narrowness,
5 shallowness, shape, water, topography or
6 similar physical conditions, and the need for
7 the variance is not due to the applicant's
8 personal or economic difficulty.

9 As stated by Mr. Quinn, the
10 current property, the building there, there
11 is an existing building on this property that
12 will be used and reused again by the
13 applicant.

14 So in reality the only way for
15 anything to happen is for us to grant this
16 variance.

17 Second the need is not
18 self-created, as previously stated as well as
19 by Mr. Quinn, again, the existing property
20 there makes it such that the applicant can
21 only do what is given to them, and
22 unfortunately, unless it is here on the
23 building, which if they don't want to tear it
24 down, there is no other way to use this place
25 other than to grant a variance.

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

9 Four, the requested variance
10 is the minimum variance necessary to do
11 substantial justice to the applicant, as well
12 as other property owners in the district.

13 Simply, I don't think that the
14 property owner at Tim Horton's or Chase Bank
15 will mind at all if that piece of property
16 has an occupant.

17 The requested variance will
18 not cause an adverse impact on surrounding
19 property, and the property values or the use
20 and enjoyment of the property in the
21 neighborhood or zoning district will be
22 highly enhanced by granting this variance.

23 Therefore, I move that we
24 grant the variance as requested.

25 MR. SANGHVI: Second.

1 CHAIRPERSON FERRELL: Hearing a
2 motion and a second, Ms. Pawlowski, call the
3 roll.

4 MS. PAWLOWSKI: Member Gerbl ick?
Page 17

130910.txt

5 MR. GERBLICK: Yes.
6 MS. PAWLOWSKI: Member Ibe?
7 MR. IBE: Yes.
8 MS. PAWLOWSKI: Member Sanghvi?
9 MR. SANGHVI: Yes.
10 MS. PAWLOWSKI: Chairperson
11 Ferrell?
12 CHAIRPERSON FERRELL: Yes.
13 MS. PAWLOWSKI: Motion passes
14 four to zero.
15 MR. QUINN: Thank you, have a
16 good evening.
17 CHAIRPERSON FERRELL: I
18 apologize, Mr. Boulard, I know you had an
19 announcement you wanted to make.
20 MR. BOULARD: I just wanted to
21 take the opportunity to introduce to the
22 board Tom Walsh. He's our building official.
23 He comes to us from a nearby
24 community, lots of years of experience and we
25 are looking -- very fortunate to have him as

♀

22

1 part of our team, looking forward to working
2 with him much more. He just started this
3 week.
4 Tom, welcome.
5 MR. SANGHVI: Welcome aboard.
6 CHAIRPERSON FERRELL: Moving onto
7 Case PZ13-0043, 43700 Gen Mar Drive -- I'm
8 not sure how to pronounce that, if somebody
9 wants to help out.

130910.txt

10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

1
2
3
4
5
6
7
8
9
10
11
12
13
14

MR. IBE: Eberspaecher.

CHAIRPERSON FERRELL:

Eberspaecher North America.

Mr. Boulard, you had a comment on that?

MR. BOULARD: Yes, this particular case. We intend on always erring on the side of caution and we actually had (unintelligible) for the reduction in the parking spaces. A variance from Section 2507 for the loading, and then a variance from Section 1905.2 for installation for the bulk argon tank.

The variance from Section 2507, for the loading, unloading times is actually unnecessary before the ZBA. That's

something that would be dealt with separate.

So before the board tonight would be Section 2505, for the reduction of the parking spaces, and Section 1905 to deal with the alternative screening for the argon tank.

Thank you.

CHAIRPERSON FERRELL: Raise your hand -- state your name and spell your last name for me.

MR. COLEMAN: Chris Coleman, C-o-l-e-man.

CHAIRPERSON FERRELL: Are you an attorney?

♀

130910.txt

15 MR. COLEMAN: I am not.

16 CHAIRPERSON FERRELL: Raise your
17 hand and get sworn in by the secretary.

18 MR. IBE: In Case No. PZ13-0043,
19 Eberspaecher North America, do you swear or
20 affirm to tell the truth?

21 MR. COLEMAN: I do.

22 My name is Chris Coleman, as I
23 mentioned, I am a facility specialist for
24 Eberspaecher North America.

25 Basically the situation here

24

1 is that we're expanding our production
2 process at this facility. We don't have
3 enough parking to accommodate our employees.

4 So we are actually adding to
5 the existing parking. The situation is that
6 there is not enough room on the property to
7 add, to get up the actual code, so we are
8 looking to add 185 parking spaces, and the --
9 we will be able to manage that with our
10 employees that we will be hiring.

11 We are looking to add about
12 200 employees in total across the two to
13 three shift operation there.

14 And we can manage with that
15 number of parking spaces, the 185.

16 As for the argon tank, we are
17 looking to add a bulk 1,500 argon tank to the
18 southeast corner of the building.

19 This is for our process, our
Page 20

20 welding process of automotive exhaust
21 systems. It's an inert gas. We actually
22 have -- the gas supplier is here today if
23 there are any questions regarding that, that
24 tank.

25 We are looking to add a --

25

1 basically a security fence around it, which
2 would be ideally a chain link fence with some
3 type of other blocking to block the view of
4 the tank.

5 As Mr. Boulard said the other
6 one, we have basically pulled off the table
7 about the shipping time, so those are really
8 the two we are looking to get a variance for.

9 I do have, as I mentioned, the
10 gas supplier is here as well as the engineer
11 that helped with the parking lot layout and
12 the plant manager at that particular
13 facility.

14 So if you have any questions
15 for any of us, please.

16 CHAIRPERSON FERRELL: Thank you.
17 I will take any questions from the public to
18 address this?

19 (No audible responses.)

20 CHAIRPERSON FERRELL: Anything
21 from the city?

22 MS. SAARELA: Nothing to add,
23 just that there is a planning commission
24 report that explains a little bit more about

25 the tank.

26

1 MR. BOULARD: That report is in
2 the folder at each of your desks.

3 Other than that, I'll stand by
4 for questions. Thank you.

5 CHAIRPERSON FERRELL: Thank you.
6 I'll open it up to the board -- actually have
7 the secretary read any correspondence.

8 MR. IBE: In Case No. PZ13-0043,
9 Eberspaecher North America, 19 correspondence
10 were mailed, zero return mailed, zero
11 approvals, zero objections.

12 CHAIRPERSON FERRELL: Thank you.
13 Open it up to the board for discussion.

14 MR. GERBLICK: I will go first.
15 How many parking spaces currently on the
16 property?

17 MR. COLEMAN: Eighty-eight
18 parking spaces.

19 MR. GERBLICK: Thank you.

20 MR. SANGHVI: I have two
21 questions. A, would you kindly show me where
22 the gas tank, storage space is going to be on
23 there on the map so the people at home can
24 see.

25 MR. COLEMAN: Basically that's

27

1 the tank right here (indicating), so all the
2 residential is on the far side of Novi Road,

3 runs across along here, so the tank is
4 actually right there (indicating).

5 MR. SANGHVI: Second question
6 was, anybody can answer, can you tell me
7 about argon gas that people know this is a
8 harmless inert gas.

9 MR. COLEMAN: I don't know that I
10 can speak to that real intelligently. It's
11 an inert gas, chiro-genic gas, it's not
12 flammable.

13 We can pull the expert up here
14 if you would like to speak with him. Would
15 you like to ask him?

16 MR. SANGHVI: Thank you. No
17 further questions.

18 CHAIRPERSON FERRELL: Would you
19 like to have --

20 MR. SANGHVI: I'm fine.

21 MR. BOULARD: If I could, will
22 there be some kind of protection to protect
23 the tank from vehicles? You mentioned a
24 fence. Will there be some (unintelligible)
25 or something? I assume you don't want people

♀

28

1 running and hitting the tank, right?

2 MR. COLEMAN: Currently the
3 concrete pad that it would be sitting on is
4 elevated by 18 inches above the normal grade,
5 where the driving would be, if there is
6 any -- there is no parking back there or
7 anything. It's just like a fire lane and

8 then the lane that runs along the east end of
9 the building.

10 MR. BOULARD: It's
11 (unintelligible) by the base --

12 MR. COLEMAN: Yes, it's sitting
13 on a base and it's offset on that base by
14 probably at least four or five feet, so it's
15 back protected.

16 MR. BOULARD: Thank you.

17 CHAIRPERSON FERRELL: I have
18 another question for the city.

19 If we approve the screening
20 around the gas tank, or the -- yeah, gas
21 tank, does that mean it's going to be -- we
22 approve the spot that it's going to or just
23 the fencing, so if they decide -- the
24 planning commission decides to move it
25 somewhere, do they have to come back for

29

1 re-approval of the fencing around it or how
2 does that work?

3 MR. BOULARD: My understanding is
4 that planning commission already --

5 CHAIRPERSON FERRELL: It's
6 already been inspected, okay. Thank you.

7 Any other discussion?

8 (No audible responses.)

9 CHAIRPERSON FERRELL: Seeing
10 none, I will entertain a motion.

11 MR. GERBLICK: In Case No.
12 PZ13-0043, I move that we grant the variance

13 for the number of parking spaces as well as
14 the variance to provide screening for the
15 argon gas tank at the rear -- I guess that
16 would be the rear the property.

17 There are unique
18 circumstances, such as the physical
19 conditions of the property, narrowness,
20 shallowness, shape, or similar physical
21 conditions and the need for the variance is
22 not due to the applicant's personal or
23 economic difficulty.

24 The need is not self-created,
25 due to the size of the lot. The strict

♀

30

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

8 The requested variance is the
9 minimum variance necessary to do substantial
10 justice to the applicant as well as other
11 property owners in the district.

12 The variance will not cause an
13 adverse impact on surrounding property,
14 property values or the use and enjoyment of
15 the property in the neighborhood or zoning
16 district.

17 I believe for the fencing on

18 the tank, do we -- does that require a
19 non-use variance?

20 MS. SAARELA: They're both
21 non-use variances they're both by the same
22 standards.

23 MR. SANGHVI: Second.

24 CHAIRPERSON FERRELL: Hearing a
25 motion and second, Ms. Pawlowski, call the

31

1 roll.

2 MS. PAWLOWSKI: Member Gerbl ick?

3 MR. GERBLI CK: Yes.

4 MS. PAWLOWSKI: Member I be?

5 MR. I BE: Yes.

6 MS. PAWLOWSKI: Member Sanghvi ?

7 MR. SANGHVI: Yes.

8 MS. PAWLOWSKI: Chairperson

9 Ferrell ?

10 CHAIRPERSON FERRELL: Yes.

11 MS. PAWLOWSKI: Motion passes

12 four to zero.

13 MR. COLEMAN: Thank you.

14 CHAIRPERSON FERRELL: Call Case

15 PZ13-0044, 43150 Grand River, Steve and

16 Rocky's restaurant.

17 Whoever is going to speak, if
18 you could just state your name and spell your
19 last name for us.

20 MS. DIACHENKO: My name is Eva

21 Di achenko, D-i -a-c-h-e-n-k-o.

22 CHAIRPERSON FERRELL: Are you an

23 attorney? 130910.txt
24 MS. DIACHENKO: No.
25 CHAIRPERSON FERRELL: If you

32

1 could raise your right hand and be sworn in
2 by the secretary.

3 MR. IBE: In Case No. PZ13-0044,
4 41350 Grand River, Steve and Rocky's
5 restaurant, do you swear or affirm to tell
6 the truth?

7 MS. DIACHENKO: Yes. Thank you.
8 My name is Eva Diachenko. I am with Yucco
9 (ph) signs, and on behalf of Steve and
10 Rocky's restaurant, we are requesting to
11 install a monument sign on his Grand River
12 frontage.

13 If you have gone past, you can
14 see the mockup sign is currently up there.
15 That represents what the sign will look like
16 and the placement of it. Some of the
17 reasons -- here's the drawing.

18 Some of the reasons for the
19 proposed sign, it's become quite difficult to
20 see the restaurant because of the city
21 required landscaping. It has matured
22 dramatically, so when people try to find
23 Steve and Rocky's driving by, they often get
24 distracted and they can't find the
25 restaurant, they can't see the restaurant

33

1 building or the wall sign.
Page 27

2 And also the recent widening
3 of Grand River has created placing a ground
4 sign a bit difficult. This has shifted the
5 setback to where the sign would have been
6 allowed, so it's a hardship that was sort of
7 uncontrollable.

8 The sign is not allowed in the
9 proposed location, we believe that a lot of
10 the landscaping would have to be removed,
11 which seems pretty wasteful and we would want
12 to avoid to remove that lush landscaping.

13 After analyzing traffic flow
14 on Grand River, and especially with the
15 increased traffic, with the Wal-mart
16 development, which is directly behind Steve
17 and Rocky's, we feel the best location for
18 the monument sign would be right at the
19 property line. And this would allow the
20 public to easily maneuver into the driveway
21 which leads to the restaurant because they
22 would see the sign, so then they would see
23 the restaurant easier.

24 And Gene can tell you about
25 the construction of the sign, if you need to

♀

34

1 know.

2 CHAIRPERSON FERRELL: If you want
3 to state your name and spell your last name
4 for us.

5 MR. DIACHENKO: Gene Diachenko,
6 D-i-a-c-h-e-n-k-o. I'm the owner of Yucco

7 signs.

8 CHAIRPERSON FERRELL: Are you an
9 attorney?

10 MR. DIACHENKO: No.

11 CHAIRPERSON FERRELL: Raise your
12 right hand and be sworn.

13 MR. IBE: Do you swear or affirm
14 to tell the truth?

15 MR. DIACHENKO: I do.

16 The sign will be constructed
17 all out of aluminum, extrusions, heavy gauge
18 080. It will have an aluminum skirt,
19 polycarbonate or Lexan (ph) faces with on
20 surface graphics to correspond to the
21 drawing.

22 It will have which -- the
23 drawing also represents his corporate colors.
24 The illumination will be LED, so it will have
25 a very minimal and very green operation.

♀

35

1 Everything with the line will
2 be an architectural grade, so there won't be
3 any steel, it will all be aluminum, stainless
4 steel fasteners, catalyzed urethane finish
5 and wash primer all EPA type grade products
6 and should represent a high quality image
7 that Steve needs, which he has had for years.

8 The location, the difficulties
9 we have is -- the county, when I spoke with
10 them with respect to setbacks, they were
11 actually very iffy as far as where the center

12 line of the road was.

13 He has a very unique issue
14 there because on one side of the road there
15 are two lanes, on the other side there is one
16 lane, so the center really isn't the actual
17 center of the road as represented by the
18 county.

19 So there is an issue, that's
20 why we are asking for that zero setback
21 basically at the leading edge of the property
22 line.

23 But if you have any other
24 questions with respect to the construction,
25 we can definitely answer that.

♀

36

1 CHAIRPERSON FERRELL: Thank you.
2 Any public comments, remarks? City?

3 MS. SAARELA: No.

4 MR. BOULARD: Just one point. I
5 spoke to Mr. Diachenko, I think, a couple
6 weeks ago. I just wanted to point out the --
7 obviously with the right-of-way getting wider
8 as time goes on by and so on, and the
9 landscaping, the grades there would be
10 supportive of this variance, moving that sign
11 all the way up to the -- essentially the
12 property line.

13 The only caveat I would have
14 is that I'm not sure -- I don't know at this
15 point exactly where that property line is and
16 so whatever the variance, it would be up to

17 the property line, we need to determine where
18 the property line is absolutely. If the
19 property line is a little farther back of the
20 edge of the right-of-way, it's a little
21 farther back than it shows in the drawing, we
22 talked about maybe a need to go -- you know,
23 move some landscaping or so on.

24 We will be happy to work with
25 you on that.

37

1 I just want to indicate, I'm
2 not sure -- I don't know for sure where that
3 is.

4 MR. DIACHENKO: We might be a
5 couple of inches off one way or the other.
6 We never found the points, and I think that's
7 due to the widening of the road.

8 MR. BOULARD: Yes, I know the
9 right-of-way has changed, but my
10 understanding is that the variance would be
11 just to go to the property line, not in the
12 right-of-way.

13 MR. DIACHENKO: Correct.

14 MR. BOULARD: Thank you so much.

15 CHAIRPERSON FERRELL: Open it up
16 to the board -- oh, excuse me,
17 correspondence.

18 MR. IBE: In Case No. PZ13-0044,
19 for 43150 Grand River, Steve and Rocky's
20 restaurant, 20 mails were sent out, two
21 returned mails, zero approvals, zero

22 objections.

23 CHAIRPERSON FERRELL: I will open
24 it up to the board.

25 MR. SANGHVI: A question for

38

1 Mr. Boulard. There is no issue about the
2 size of the sign or anything?

3 MR. BOULARD: No. The only
4 variance requested is for the location
5 setback from the property line. Typically
6 the sign would require a three foot setback.
7 They have asked to push it all the way up.
8 Because it's real tight there.

9 MR. IBE: First of all, I like
10 your restaurant. And I have no difficulty in
11 finding it because I know where it is.

12 MR. ALLEN: May I speak?

13 CHAIRPERSON FERRELL: Please
14 state your name.

15 MR. ALLEN: My name is Steven
16 Allen.

17 CHAIRPERSON FERRELL: Spell it,
18 please.

19 MR. ALLEN: You can tell I'm not
20 a lawyer.

21 CHAIRPERSON FERRELL: Please
22 spell your last name.

23 MR. ALLEN: A-I-I-e-n.

24 CHAIRPERSON FERRELL: Raise your
25 right hand.

39

1 MR. IBE: Do you swear or affirm
2 to tell the truth?

3 MR. ALLEN: Yes, I do. I just
4 want to add one thing. Just like you said,
5 when we have guests, you know, we have a lot
6 of business people coming in from out of
7 town, or bringing them to Novi. There is
8 many times that we have to give them
9 directions because we can't find your place
10 because, like I said, mature growth of the
11 landscaping.

12 Biggest definition I can give
13 them on how to get there, it's between the
14 Bank One sign and the Discount Tire sign.
15 That's the -- you know, that's the easiest
16 way I can tell them how to get there. that's
17 all I had to say. Thank you.

18 MR. SANGHVI: You are a great
19 chef. I like your food.

20 MR. ALLEN: Thank you very much.

21 MR. IBE: That's besides the
22 point. I know that this is -- you did a
23 variance, but it's no fault of yours that
24 they're taking away some of the frontage from
25 you, so I have no problem supporting your

1 thing.

2 Only thing is, we need to make
3 sure this is the exact location where this is
4 going to go. Thank you.

5 CHAIRPERSON FERRELL: Thank you.

6 Anybody else?

7 MR. DIACHENKO: Can I have one
8 more comment. The way I understood the sign
9 code originally as far as he was only allowed
10 two wall signs and a ground sign was the
11 variance, was -- this variance is not only
12 for the setback but actually for the ground
13 sign itself, just to make sure that
14 everything is clear.

15 Because if the wall sign, if
16 he has to remove one of the wall signs for
17 the ground sign, there is major scarring left
18 beneath where that sign is, because it was
19 not installed in an architecturally nice way.
20 But the building will actually look as if
21 it's been vacated.

22 CHAIRPERSON FERRELL: How many
23 wall signs are there?

24 MR. DIACHENKO: There are two.
25 One facing El even Mile, one facing Grand

1 River.

2 CHAIRPERSON FERRELL: So this
3 will be a third sign?

4 MR. DIACHENKO: A third sign,
5 which does exist within the city at other
6 restaurant locations.

7 CHAIRPERSON FERRELL: Thank you.

8 MR. BOULARD: That's not included
9 in your application.

10 So my suggestion would be we
11 address this tonight and then work on the
12 solution for doing -- there is actually no
13 variance in the application. There is no
14 variance request. The only information that
15 I have was based on the letter from the
16 ordinance officer. So let's -- I suggest we
17 go ahead with this and then we will deal with
18 that going forward, if that's all right.

19 Be happy to work with you.

20 MR. DIACHENKO: Okay.

21 CHAIRPERSON FERRELL: So this is
22 for just the monument sign, is that what we
23 are talking about tonight?

24 MS. SAARELA: Just the setback --

25 CHAIRPERSON FERRELL: The setback

♀

42

1 for the right-of-way?

2 MS. SAARELA: The zero setback
3 off the road right-of-way.

4 CHAIRPERSON FERRELL: So what we
5 are talking about at another time is, there
6 is three signs?

7 MR. BOULARD: Right. That's all
8 we advertised for.

9 CHAIRPERSON FERRELL: Just the
10 setback, okay. Thank you.

11 Any other further discussion?

12 MR. IBE: Certainly I will echo
13 what Member Sanghvi also said.

14 This particular restaurant,

15 it's rather difficult sometime when you are
16 driving -- I like your restaurant. By the
17 way, I like it so much I had two dinner
18 parties there in the last four weeks.

19 And some of my guests couldn't
20 find the place. And I was frustrated because
21 I was just waiting to sitting, waiting,
22 waiting wondering where these people area.
23 Then they called me and said, apparently they
24 drove past it a few times because they
25 couldn't find exactly how to get in.

♀

43

1 So that obviously -- I'm
2 surprised when I saw this, this address is a
3 problem that my guests had for my dinner
4 party at Steve and Rocky's.

5 So, I definitely have no
6 objections as to this.

7 But as to the issue of whether
8 or not to allow the third sign, that is
9 something, Mr. Boulard, we will --

10 MS. SAARELA: If that's required,
11 it will be another meeting.

12 MR. IBE: As far as specifically
13 as this particular matter is concerned today,
14 I have no objections. Thank you.

15 CHAIRPERSON FERRELL: Any other
16 discussion?

17 (No audible responses.)

18 MR. GERBLICK: Make a motion.

19 In Case No. PZ13-0044, I move

20 that we grant the variance for the ground
21 sign setback, as the request is based upon
22 circumstances or features that are
23 exceptional or unique to the property and do
24 not result in conditions that exist generally
25 in the city or that are self-created, due to

44

1 the mature foliage and the increased size of
2 the right-of-way on the property.

3 The failure to grant relief
4 will unreasonably prevent or limit the use of
5 the property and will result in substantially
6 more than a mere inconvenience or inability
7 to obtain a higher economic or financial
8 return as there is limited site to the
9 facility, and there is heavy traffic on Grand
10 River Avenue.

11 The grant of the relief will
12 not result in the use of the structure that
13 is incompatible with or unreasonably
14 interferes with adjacent or surrounding
15 properties, will result in substantial
16 justice being done to both the applicant and
17 adjacent or surrounding properties and is not
18 inconsistent with the spirit of the
19 ordinance.

20 MR. IBE: Second.

21 MS. SAARELA: Can I just make a
22 suggestion that we add subject to the
23 determination of the exact location of the
24 property line in the motion.

130910.txt
MR. GERBLICK: So moved.

25

45

1 MR. IBE: Second.
2 CHAIRPERSON FERRELL: Motion and
3 second, Ms. Pawlowski, will you call the
4 roll.

5 MS. PAWLOWSKI: Member Gerbllick?

6 MR. GERBLICK: Yes.

7 MS. PAWLOWSKI: Member Ibe?

8 MR. IBE: Yes.

9 MS. PAWLOWSKI: Member Sanghvi?

10 MR. SANGHVI: Yes.

11 MS. PAWLOWSKI: Chairperson
12 Ferrell?

13 CHAIRPERSON FERRELL: Yes.

14 MS. PAWLOWSKI: Motion passes
15 four to zero.

16 CHAIRPERSON FERRELL: Call Case
17 PZ13-0045, 25814 Beck Rock, Lot 13, Pioneer
18 Meadows Subdivision.

19 MR. BOWMAN: Good evening.

20 CHAIRPERSON FERRELL: State your
21 name and your last name.

22 MR. BOWMAN: It's William Bowman.
23 And I'm president of Thompson Brown.

24 CHAIRPERSON FERRELL: Can you
25 spell your last name for us.

46

1 MR. BOWMAN: B-o-w-m-a-n.

2 CHAIRPERSON FERRELL: Are you an
3 attorney?

4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

MR. BOWMAN: No, I'm not.

CHAIRPERSON FERRELL: Can you raise your right hand and be sworn in by the secretary.

MR. IBE: In Case No. PZ13-0045, 25814 Beck Road, Lot 13, do you swear or affirm to tell the truth?

MR. BOWMAN: I do.

MR. IBE: Thank you, sir.

MR. BOWMAN: Mr. Chairman and members of the Zoning Board of Appeals of Novi, I appreciate the opportunity to be here tonight.

Just want to first say thank you for cooperation of the staff, both Mr. Boulard, Ms. Beth and Angela Pawlowski for their help.

I also want to say thank you also to Mr. Greg Nelson, chairman of the Pioneer Meadows architectural control committee, who was very helpful and very patient with us in getting through the

process.

And I believe that there is a letter from the architectural control committee on file here indicating their support for the requested variances and setbacks of these four lots.

I guess I should start by saying that in our interest of time and

9 because of the similarity, except for one
10 slightly different configured lot, that the
11 items that are seven, eight and -- six,
12 seven, eight and nine, is it -- I'm sorry.
13 That I can address each of those at the same
14 time, and then if you have any specific
15 questions about any one, I'd certainly be
16 pleased to answer them.

17 I'm here tonight representing
18 Mary Ann and Paul Bosco, who are the owners
19 of these four lots.

20 Incidentally, Mr. Boulard, I
21 thanked you for your cooperation and
22 assistance in getting through the process.

23 Anyway, let's see if I can get
24 technical here, if I would like to get this
25 on the -- up on the board.

♀

48

1 This is an (unintelligible) of
2 the zoning ordinance. And it has an
3 indication, and the problem has been -- not
4 created by the applicant, that the RA zoning
5 is not compatible with the 12,000 square foot
6 lots or quarter acre lots.

7 The setbacks were obviously
8 designed for the one acre RA lots, and it's
9 in a situation where those that have carried
10 over then into the setback requirements.

11 We're asking that these
12 setbacks, and you will see in the -- that
13 actually the R3 zoning, which addresses

14 12,000 square foot lots, those are the
15 setbacks that would apply to that, would
16 probably direct us to make a request for even
17 less setbacks, 30 feet instead of the 40 feet
18 that we're requesting in those cases.

19 But that would then conflict
20 with the Pioneer Meadows deed restrictions
21 and bylaws and, therefore, in our discussion
22 with Pioneer Meadows folks, we elected, or
23 the owners elected to apply for the zoning --
24 for the setbacks to be in conformity with the
25 Pioneer Meadows subdivision association

♀

49

1 setbacks.

2 So I think it's relatively
3 direct and straight forward in that we're
4 asking for the waiver from the RA one acre
5 lot zoning, for which the setbacks were
6 designed to permit the setbacks that are more
7 consistent with the R3, but yet still
8 consistent with the Pioneer Meadows
9 association.

10 I don't think there is a lot
11 more to be said as to the reasons. It was
12 not created by the owners of the lots. And
13 there will not be any negativity from any of
14 the other property owners in the area and
15 what it will do is allow, with these
16 setbacks, a better consistency between the
17 new homes that -- to be built more similar to
18 those in size and shape as the ones that are

19 already in Pioneer Meadows subdivision.

20 The other items that we have
21 requested, and just because of the nature of
22 the beast, I guess, is knowing the business
23 aspects of the timing that it's going to take
24 to go through the process.

25 These lots technically have

50

1 not been on the market yet and we did not
2 want to make representations that we couldn't
3 back up in hopes that at this meeting that
4 those approvals will be granted tonight, but
5 we still have to go through the marketing
6 phase.

7 And then next is going to be
8 those people who will be involved in working
9 towards a direct ownership of a new home to
10 be built, and then the next step of the
11 applications to the Pioneer Meadows
12 association and then back to the city. That
13 doesn't take into consideration the
14 differences that might come up in all the
15 process between the new home buyer and the
16 builder and so forth.

17 The owners are not intending
18 to be the ones to build on these lots, that's
19 being offered for sale and likely will --
20 likely will be built -- purchased by builders
21 or individual owners on the site.

22 So we're asking for a variance
23 to the 3107 section in order to delay the

24 required start of construction from 12 months
25 to 18 months.

♀

51

1 And we would appreciate your
2 serious consideration in that respect.

3 I would then end that and say
4 thank you for the opportunity to appear here
5 tonight, and if you have any questions, most
6 happy to try to answer them for you.

7 CHAIRPERSON FERRELL: Thank you.
8 Any public remarks or comments about this
9 case? Yes? Please state and spell your last
10 name for us.

11 MR. NELSON: Sure. Gregory
12 Nelson, N-e-l-s-o-n.

13 CHAIRPERSON FERRELL: Raise your
14 right hand, be sworn in.

15 MR. IBE: In this particular
16 case, do you swear or affirm to tell the
17 truth?

18 MR. NELSON: Yes. I'm not an
19 attorney.

20 So I'm here to represent the
21 Pioneer Meadows Association. I'm the head of
22 the architectural committee. I have been
23 here probably, I don't know, six, eight times
24 before you.

25 We've built successfully about

♀

52

1 five new homes in the neighborhood and I

2 don't know if you can see this diagram, but I
3 will take a minute to kind of give you bit of
4 picture of what we are talking about here in
5 a moment, but we have been here, I think, as
6 I mentioned, maybe six or eight times, there
7 have been five new homes built over the past
8 eight years and we have successfully built
9 those homes.

10 And what we have learned over
11 time is to make those homes consistent with
12 the current homes that are in the
13 subdivision.

14 Our bylaws have been adjusted
15 to require 40 feet in front, 40 feet in the
16 rear and 15 on each side in terms of
17 setbacks.

18 So Mr. Bowman has been very
19 cooperative, which I appreciate, it's not
20 always the case, but he's been very good to
21 work with.

22 As you can see in the diagram
23 here, there is three -- four lots in total.
24 These three lots here are pretty straight
25 forward, right, you can see this home here is

♀

53

1 a home that was built maybe four years ago,
2 so this is a perfect example of a home that
3 was built with 40 feet in the front, 40 feet
4 in the rear and then 15 on either side
5 setback.

6 So what the applicant is

7 asking for is on lot 13, 14 and 61, those are
8 100 by 120-foot lots, that so would allow a
9 home that we believe is consistent with the
10 other homes in the neighborhood, so we're in
11 full support of his request.

12 And then on lot number 15,
13 that's a bit of an odd shape lot. You can
14 kind of see here it's 155 by 80, so the
15 setbacks are a bit different there, but
16 again, we think based on the size of the lot,
17 and 40 in front, 45 on the one side, 15 and
18 15 that it would be acceptable and it would
19 be a good setback compared to the home behind
20 it, which you can see is, you know, here is
21 quite a distance from that parcel.

22 So I just wanted to come
23 tonight, again, and express our support in
24 Mr. Bowman's request. He's been very
25 cooperative and we believe his request would

♀

54

1 be a good fit for the neighborhood.

2 As far as the duration, I will
3 leave that to you, 18 months, but I don't
4 have an issue with that either, so we would
5 support that.

6 CHAIRPERSON FERRELL: Thank you.
7 Mr. Secretary, read any correspondence.

8 MR. IBE: Mr. Chair, in this
9 particular case, for lot 13 as well 14, 15
10 and 61, there were a total of 28 mails, four
11 return mail, two approvals, and zero

12 objections.

13 The first approval is from
14 Thomas Zalinski at 25915 Clark Street in
15 Novi. And the second approval is from the
16 Pioneer Meadows Association, and the letter
17 was signed by Gregory Nelson and Ron Otamald
18 (ph), and -- should I read it?

19 MS. SAARELA: You really only
20 have to tell us if it's an approval or --

21 MR. IBE: It is an approval from
22 the association.

23 CHAIRPERSON FERRELL: Any
24 comments from the city.

25 MR. BOULARD: No.

55

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

3 MR. SANGHVI: Just a question for
4 the city attorney.

5 All these four lots have the
6 same situation, can they be all considered in
7 one?

8 MS. SAARELA: We are going to
9 have to call the cases and go through the
10 whole process with each one, open it up the
11 public comment on each one.

12 They're all separate parcels,
13 so we have to do them all separately.

14 MR. SANGHVI: Fine. Well, I've
15 been around and I have seen these lots laying
16 around for a long time. I am so glad

17 somebody is doing something about it and
18 being the size, the way they are, if my
19 memory serves right, these variances were
20 changed after the subdivision was built, and
21 the requirement for the setbacks, but doesn't
22 matter anyway.

23 The point is, there is no way
24 you can build anything other than a nice
25 bathroom if you keep the variance as they are

♀

56

1 and you need variances.

2 So I have no problem
3 supporting your application. Thank you.

4 CHAIRPERSON FERRELL: Thank you.
5 Any other discussion?

6 (No audible responses.)

7 CHAIRPERSON FERRELL: Seeing
8 none, I will entertain a motion.

9 MR. IBE: I will do this one. In
10 Case No. PZ13-0045, 25814 Beck Road, Lot 13,
11 I move that we approve the variance, the
12 request first for the setback that's
13 requested, and also the request to permit the
14 variance to be for 18 months in order to
15 accommodate the need of the applicant.

16 The variances should be
17 approved for the following reasons.

18 One, there are unique
19 circumstances or physical conditions of the
20 property, such as the narrowness, shallowness
21 and shape, the physical conditions, and the

22 need for the variance is not due to the
23 applicant's personal or economic difficulty.
24 The need is not self-created,
25 as has already been stated by the applicant.

57

1 These properties and the way the lines are
2 drawn, makes it impossible to do anything
3 without a variance, and the only way to make
4 due justice to the applicant is obviously to
5 grant these variances.

6 The requested variance is the
7 minimum variance that is necessary obviously
8 to allow the applicant as well as to our
9 property owners in the district to build on
10 them.

11 And finally the requested
12 variance will not cause an adverse impact on
13 surrounding property, property values or the
14 use and enjoyment of the property, the
15 neighborhood, or zoning district.

16 In fact, I think by granting
17 this variance and allowing the homes to be
18 built in conformity with the other existing
19 home that is right behind lot 13, it will
20 actually improve and enhance the
21 neighborhood.

22 Therefore, I move that we
23 grant the request as made by the applicant.

24 MR. SANGHVI: Second.

25 CHAIRPERSON FERRELL: We have a

58

1 motion and second.
2 Ms. Pawlowski, can you call
3 the roll.
4 MS. PAWLOWSKI: Member Gerbl ick?
5 MR. GERBLI CK: Yes.
6 MS. PAWLOWSKI: Member I be?
7 MR. I BE: Yes.
8 MS. PAWLOWSKI: Member Sanghvi ?
9 MR. SANGHVI: Yes.
10 MS. PAWLOWSKI: Chairperson
11 Ferrell.
12 CHAIRPERSON FERRELL: Yes.
13 MS. PAWLOWSKI: Motion passes
14 four to zero.
15 CHAIRPERSON FERRELL: Next case,
16 PZ13-0046 Lot 14, Pioneer Meadows
17 Subdi vi si on.
18 MR. GERBLI CK: Does any member of
19 the board have further di scussi on on thi s
20 case or --
21 MS. SAARELA: You're going to
22 still have to open it up public comments,
23 then close the public comments. That's the
24 only thing that's going to be necessary.
25 CHAIRPERSON FERRELL: He doesn't

♀

1 have to be sworn in again?
2 MS. SAARELA: I don't think --
3 CHAIRPERSON FERRELL: Does he
4 have to say anything or can I just open it up
5 to public remarks?

6 MS. SAARELA: You have in each of
7 your packets the facts, you have already
8 heard them.

9 I mean, unless you feel you
10 have more questions, there will be something
11 on the record that already states the facts
12 for each one of these cases.

13 If you don't feel you need
14 anymore from him, you can rely on what's in
15 each one of the packets and then the only
16 necessary other procedural requirement is to
17 have it open for public comment.

18 CHAIRPERSON FERRELL: Anyone on
19 the board have anymore comments, questions?

20 (No audible responses.)

21 CHAIRPERSON FERRELL: Open it up
22 to public remarks.

23 (No audible responses.)

24 CHAIRPERSON FERRELL: Seeing
25 none, the city have any remarks?

♀

60

1 MS. SAARELA: No.

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

4 MR. SANGHVI: No other comments.
5 I agree with the request. Thank you.

6 CHAIRPERSON FERRELL: Thank you.

7 MR. GERBLICK: Case No.
8 PZ13-0045, for Lot 14 -- I guess it is 46,
9 sorry, I move that we grant the variances as
10 requested as there are unique circumstances

11 or physical conditions of the property, such
12 as the shape, topography and other similar
13 physical conditions and the need for the
14 variance is not due to the applicant's
15 personal or economic difficulty.

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

♀

61

1 MR. IBE: Second.
2 CHAIRPERSON FERRELL: A motion
3 and a second.
4 Ms. Pawlowski, can you call
5 the roll?
6 MS. PAWLOWSKI: Member Gerbl ick?
7 MR. GERBLI CK: Yes.
8 MS. PAWLOWSKI: Member I be?
9 MR. IBE: Yes.
10 MS. PAWLOWSKI: Member Sanghvi ?
11 MR. SANGHVI: Yes.
12 MS. PAWLOWSKI: Chai rperson
13 Ferrel l ?
14 CHAIRPERSON FERRELL: Yes.
15 MS. PAWLOWSKI: Moti on passes

16 four to zero.

17 CHAIRPERSON FERRELL: Case No.
18 PZ13-0047, Lot 15 Pioneer Meadows
19 Subdivision.

20 Any public remarks or
21 comments?

22 (No audible responses.)

23 CHAIRPERSON FERRELL: Seeing
24 none, anything from the city?

25 MS. SAARELA: No.

♀

62

1 MR. BOULARD: No.

2 CHAIRPERSON FERRELL: I'll open
3 it up to the board for discussion.

4 MR. SANGHVI: No comments.

5 CHAIRPERSON FERRELL: I'll
6 entertain a motion.

7 MR. GERBLICK: In Case No.
8 PZ13-0047, I move that we grant the variances
9 as requested.

10 There are unique circumstances
11 or physical conditions of the property, such
12 as the shape, topography and other physical
13 conditions and the need of the variance is
14 not due to the applicant's personal or
15 economic difficulty.

16 The need is not self-created
17 due to the size and zoning of the property.
18 And the requested variance is the minimum
19 variance necessary to do substantial justice
20 to the applicant as well as other property

21 owners in the district.

22 The requested variance will
23 not cause an adverse impact on surrounding
24 property, property values or the use and
25 enjoyment of the property in the neighborhood

63

1 or zoning district.

2 MR. IBE: Second.

3 CHAIRPERSON FERRELL: A motion
4 and second, Ms. Pawlowski, can you call the
5 roll.

6 MS. PAWLOWSKI: Member Gerbl ick?

7 MR. GERBLI CK: Yes.

8 MS. PAWLOWSKI: Member I be?

9 MR. IBE: Yes.

10 MS. PAWLOWSKI: Member Sanghvi ?

11 MR. SANGHVI: Yes.

12 MS. PAWLOWSKI: Chai rperson
13 Ferrell ?

14 CHAIRPERSON FERRELL: Yes.

15 MS. PAWLOWSKI: Moti on passes
16 four to zero.

17 CHAIRPERSON FERRELL: Case No.
18 PZ13-0048, Lot 61 Pi oneer Meadows
19 Subdi vi si on.

20 Any publ ic comments or
21 remarks?

22 (No audi bl e responses.)

23 CHAIRPERSON FERRELL: Any
24 comments from the ci ty?

25 MS. SAARELA: No.
Page 53

1 MR. BOULARD: No.

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

4 (No audible responses.)

5 CHAIRPERSON FERRELL: Entertain a
6 motion.

7 MR. GERBLICK: Case No.

8 PZ13-0048, Lot 61, I move that we grant the
9 variance as requested.

10 As there are unique
11 circumstances or physical conditions of the
12 property, such as the shape, topography or
13 other physical conditions, and the need for
14 the variance is not due to the applicant's
15 personal or economic difficulty.

16 The need is not self-created
17 due to the size and zoning of the property,
18 and the requested variance is the minimum
19 variance necessary to do substantial justice
20 to the applicant as well as other property
21 owners in the district.

22 The requested variance will
23 not cause an adverse impact on surrounding
24 property, property values or use and
25 enjoyment of the property in the neighborhood

1 or zoning district.

2 MR. IBE: Second.

3 CHAIRPERSON FERRELL: Hearing a

4 motion and second, Ms. Pawlowski, can you
5 call the roll.
6 MS. PAWLOWSKI: Member Gerbl ick?
7 MR. GERBLI CK: Yes.
8 MS. PAWLOWSKI: Member I be?
9 MR. I BE: Yes.
10 MS. PAWLOWSKI: Member Sanghvi ?
11 MR. SANGHVI: Yes.
12 MS. PAWLOWSKI: Chai rperson
13 Ferrell ?
14 CHAI RPERSON FERRELL: Yes.
15 MS. PAWLOWSKI: Moti on passes
16 four to zero.
17 CHAI RPERSON FERRELL:
18 Congratul ati ons.
19 MR. BOWMAN: Thank you very much.
20 One more comment, if I may,
21 again, thanking all the staff and also
22 Mr. Greg Nel son for all hi s good cooperati on.
23 I j ust want to share,
24 Mr. Nel son, that as we di scussed, we intend
25 to make the deed restri cti ons and deliver

♀

66

1 those to each and every potenti al purchaser
2 of these l ots so that they know the next step
3 is to go to the associati on for their
4 approval before they come to the ci ty for
5 their plan approval .
6 But thank you very, very much
7 for your ti mely approval . Thank you.
8 CHAI RPERSON FERRELL: Have a good

9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

1
2
3
4
5
6
7
8
9
10
11
12
13

evening.

Other matters? Anything from the city?

MR. BOULARD: Nothing.

MS. SAARELA: No.

MR. SANGHVI: Just one comment. Got some new lights here. I can barely see the faces of the people who are making the presentation.

MR. BOULARD: I will bring that up with the folks behind the glass.

MR. SANGHVI: I'll have to bring sunshades next time. Thank you.

CHAIRPERSON FERRELL: Thank you. Any other matters?

(No audible responses.)

CHAIRPERSON FERRELL: Make a

motion for adjournment?

MR. SANGHVI: I make a motion to adjourn the meeting.

MR. IBE: I second that.

CHAIRPERSON FERRELL: Motion and second, the meeting is adjourned.

(The meeting was adjourned at 8:04 p.m.)

** ** *

14
15
16
17
18
19
20
21
22
23
24
25

♀

68

1

2 STATE OF MICHIGAN)

3) ss.

4 COUNTY OF OAKLAND)

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

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

18 IN WITNESS THEREOF, I have hereunto set my hand at the

130910.txt

19 City of Walled Lake, County of Oakland, State of Michigan.

20

21

22

Date

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

23

24

25

±