

REGULAR MEETING - ZONING BOARD OF APPEALS

CITY OF NOVI

January 10, 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, January 10, 2017

BOARD MEMBERS

Cindy Gronachan, Chairperson

Jonathan Montville, Secretary

David Byrwa

Brent Ferrell

ALSO PRESENT:

Beth Saarela, City Attorney

Lawrence Butler

Coordinator: Monica Dreslinski, Recording Secretary

REPORTED BY: Jennifer L. Wall, Certified Shorthand Reporter

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Tuesday, January 10, 2017

Novi, Michigan

7:00 p.m.

** ** *

CHAIRPERSON GRONACHAN: Good evening. I'd like to call the January 2017 Zoning Board of Appeals meeting to order.

Would you please all rise for the Pledge of Allegiance.

(Pledge recited.)

CHAIRPERSON GRONACHAN: Monica, would you please call the roll.

MS. DRESLINSKI: Member Byrwa?

MR. BYRWA: Here.

MS. DRESLINSKI: Member Ferrell?

MR. FERRELL: Here.

MS. DRESLINSKI: Member Krieger is absent, excused.

Member Montville?

MR. MONTVILLE: Here.

MS. DRESLINSKI: Member Peddiboyina is absent, excused.

Member Sanghvi is absent, excused.

And Chairperson Gronachan?

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CHAIRPERSON GRONACHAN: Present.

Thank you.

This evening as you entered into our chambers, you noticed that there were some Rules of Conduct on the back table. I am going to ask everyone to please turn off all your cellphones at this time during the meeting.

And we will move right to the agenda.

Is there any changes to the agenda at this time?

MS. DRESLINSKI: No, ma'am.

CHAIRPERSON GRONACHAN: All those in favor of the agenda as it stands say aye.

THE BOARD: Aye.

CHAIRPERSON GRONACHAN: The agenda is approved for this evening.

There were minutes in our packet for November 2016.

Are there any changes, additions, subtractions?

Seeing none, all those in favor of the November 2016 minutes say aye.

THE BOARD: Aye.

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CHAIRPERSON GRONACHAN: Minutes

approved.

At this time, if there is anyone in the audience that wishes to make comment to the Board in reference to any topic that is not in front of us this evening, you may do so now.

Is there anyone in the audience that has anything to share with the board this evening?

Seeing none, we will move right into our first case, Grand Promenade, LLC PZ16-0034.

This applicant is returning to us requesting a variance from the Novi Code of Ordinance to allow construction of a second monument sign. Good evening.

MR. PENA: Good evening, Commissioners. Anthony Pena from Moore, Pena and Associates, 38600 Van Dyke, Sterling Heights, Michigan, appearing on behalf of the petitioner, Grand Promenade, LLC.

We have both principles of the entity here, Mr. Sinich, Mr. Pascaris.

CHAIRPERSON GRONACHAN: You may

1 proceed. I know you're coming back from a
2 postponement. There was some additional
3 information and you had some homework to do,
4 I guess. There was some questions.

5 Did you get everything
6 resolved?

7 MR. PENA: Yes, you could say,
8 yes.

9 I think we have come to the
10 conclusion that this board has to make a
11 determination.

12 You know, it was my
13 understanding that possibly that wouldn't be
14 necessary, given the unique set of
15 circumstances we have here, but I think
16 that's the very reason why variances are
17 requested.

18 So, again, we are here
19 because the code or city ordinance at issue
20 here prohibits more than one monument sign.

21 And as explained at the last
22 meeting -- get that on the overhead.

23 As explained at the last
24 meeting, there currently is a sign on my
25 client's property. That sign is owned by

1 Target. It's not owned by my client.

2 It happened to be on my
3 client's property, but my client has no use
4 of that property because there was an
5 easement that was recorded back in 2002 that
6 my client had no part of.

7 So our position was do we
8 really need to seek a variance request.
9 Because technically, this sign is not --
10 number one, the sign is not my client's, it's
11 Target's. And number two, it's not on
12 property that he could use.

13 So the city attorney did look
14 into it and I think they made -- they looked
15 at the statute or the ordinance, it didn't
16 address this type of circumstance.

17 There was no other precedent
18 out there. Apparently this is the first time
19 this has -- this type of issue has come up
20 with the city.

21 So I think the city attorney
22 would take a position that it truly is a
23 unique set of circumstances that we are
24 dealing with tonight.

25 And hence that's why we are

1 seeking this variance request.

2 So as you know, there is a
3 bunch of standards that we have to fulfill in
4 order to have our variance granted.

5 One of them is -- yes, you
6 need some sort of unique set of
7 circumstances. I think we meet that clearly.

8 The second is whether or not
9 it was self-imposed.

10 And as I explained before,
11 this sign arose due to a consent judgment
12 that occurred back in 2001. There are other
13 pieces of property that were part of that
14 consent judgment, you have the Target piece,
15 you had the Sam's Club piece, there was a
16 bunch of outlots.

17 Although this may be in
18 dispute, I mean, we would take the position
19 that the Star Group previously owned this
20 property, and they weren't part of that
21 consent judgment, which was filed in 2001.

22 In 2002, the Star Group did
23 grant this easement to the Landon Development
24 Group, okay, for an ingress, egress at this
25 exact location, and for this sign -- to

1 direct to sign.

2 So, again, my client wasn't
3 part of the Landon Group or the Star Group.

4 And thereafter, when you take
5 a look at the building records, Target
6 somehow, they took the position, well, this
7 was their property, although they're not the
8 Landon Group and they erected the sign.

9 Be that as it may, the reason
10 I go through that history is because I want
11 to layout the fact that this wasn't something
12 that was self-imposed by these gentlemen.
13 That's one of the requirements of the
14 variance that we are seeking.

15 So the other requirements
16 are -- I think if this board doesn't grant
17 the variance, there would be an unreasonable
18 limit on the use of this property.

19 Every piece of commercial
20 property is entitled to at least one monument
21 sign, that is why you have the statute,
22 right.

23 I would argue that they would
24 certainly be entitled to a monument sign on
25 their buildable properties. So if you

1 prohibit that, I think it wouldn't be
2 something that would be reasonable.

3 The other requirement is that
4 the failure to grant the variance will simply
5 will result in my client not getting as much
6 for the rent, then it's not a requirement
7 that they would meet for the variance.
8 That's really not the case here.

9 There has been
10 representations that were made, as you see
11 the building, the shopping center is
12 beautiful, it's already been erected.

13 The problem here is in
14 today's commercial market, these retailers,
15 they want to be front and center, they want
16 to be on Grand River, and they want a
17 monument sign. I mean, these gentlemen, if
18 they didn't have to, they certainly wouldn't
19 put a monument sign, but these commercial
20 tenants have come to expect a monument sign.

21 So there were representations
22 that were made, so this is not something
23 where my clients get a few extra dollars if
24 they get this monument.

25 This is something where there

1 might be some serious litigation and, you
2 know, there might be serious issues with the
3 tenants leaving, with that space going dark.
4 So there are some very large -- I mean, there
5 could be a very large impact on their
6 operations, if this request isn't -- or
7 variance isn't met.

8 So then finally, you know,
9 the question is, is the spirit of the
10 ordinance met if, in fact, you approve this
11 variance.

12 I think absolutely it is. I
13 think although the ordinance doesn't read
14 that you're entitled to one monument sign on
15 buildable property, or on property that my
16 clients can use, that's essentially what we
17 are talking about here.

18 You know, my clients don't
19 have a sign on their property, a monument
20 sign. I think that the spirit of the statute
21 would clearly be met if you granted this
22 variance.

23 Aside from those
24 requirements, there are no other variances
25 that we would be seeking.

1 It's my understanding you
2 should have a rendering of what the sign is
3 going to look like. It's very visually
4 pleasing. It's not going to create -- it's
5 going to be harmonious with the surrounding
6 area. It's not going to impact the
7 neighbors. It's the correct size, dimension.
8 The structure is all conforming, so we truly
9 think that -- we think that there is a
10 tremendous amount of merit for this variance
11 and we respectfully ask for your approval.

12 If you have any questions, we
13 are here to answer them.

14 CHAIRPERSON GRONACHAN: Thank you
15 very much.

16 Is there anyone in the
17 audience that wishes to make comment on this
18 case?

19 Seeing none, I know -- happy
20 new year.

21 MS. SAARELA: Happy New Year.

22 CHAIRPERSON GRONACHAN: Would you
23 like to offer something?

24 MS. SAARELA: So I took a look at
25 the consent judgment that applies to the Novi

1 Promenade parcel, which is the bigger parcel,
2 which our interpretation of the document
3 shows that that property in question today
4 was part of that at one time, at the time the
5 consent judgment was put in place.

6 What happened then was that
7 the parcel was sold off to -- by the owner of
8 the overall consent judgment property to
9 another owner. At that time, retained an
10 easement on that property for the sign.

11 So that's our interpretation
12 of the history of how the sign got to be on
13 this parcel.

14 The other aspect of this is
15 that the consent judgment does limit the
16 overall property that was subject to the
17 consent judgment to two monument signs, which
18 there currently are, but does not allow for
19 the city, the ZBA to consider a variance
20 request with -- specifically with respect to
21 signage, so that is why there -- we said
22 that.

23 This is the proper venue for
24 them to be today, if they're looking for a
25 variance for the signage because the consent

1 judgment says allow that consideration.

2 CHAIRPERSON GRONACHAN: Okay.

3 Thank you. Building department?

4 MR. BUTLER: No comment.

5 CHAIRPERSON GRONACHAN:

6 Correspondence?

7 MR. MONTVILLE: 29 letters

8 mailed, seven letters returned, one approval,

9 from Dan D. Valentine at 48705 Grand River.

10 And he notes his approval.

11 CHAIRPERSON GRONACHAN: Board

12 members? Member Ferrell.

13 MR. FERRELL: Thank you, Madam

14 Chair.

15 For the city attorney, if it

16 was a consent judgment on an easement, why

17 are even asking for a variance?

18 MS. SAARELA: Well, okay, so the

19 easement is not right on -- is on their

20 property, but the sign that's in the easement

21 is not their sign.

22 So because their property is

23 limited to one sign, there is already an

24 easement with the sign on their property,

25 that's why they're seeking the variance.

1 Because it would technically then be two
2 signs on their property, which is not
3 permitted.

4 And in addition that --

5 MR. FERRELL: Even though it's on
6 an easement, you still consider it?

7 MS. SAARELA: Yes, there is no
8 legal interpretation or any prior
9 interpretation in the sign ordinance that
10 would lend support to the argument that an
11 easement isn't part of your property on the
12 same property.

13 MR. FERRELL: Okay. Thank you.

14 CHAIRPERSON GRONACHAN: Anything
15 else, Member Ferrell?

16 MR. FERRELL: No, Madam Chair.
17 Thank you.

18 CHAIRPERSON GRONACHAN: Member
19 Montville.

20 MR. MONTVILLE: A couple things.
21 I would say clearly this is a unique
22 non-self-created situation that we are
23 dealing with. With that said, my opinion
24 too, from a safety concern and visibility,
25 given this is zoned general business, the way

1 the building is currently set up, it is
2 fairly far back from Grand River, again, high
3 traffic area, high volume traffic area, high
4 speed relative to a lot of the other streets
5 within the city, so I could see a couple
6 reasons why I wouldn't have any problem
7 approving this.

8 And then again as far as
9 affecting the neighboring, surrounding
10 properties, the signs within the size
11 requirements, it's professionally been
12 designed from an esthetic standpoint, so I
13 would be in full support.

14 CHAIRPERSON GRONACHAN: Anyone
15 else?

16 I have no problem supporting
17 this. And I think that the presentation
18 cleared up any confusion, unlike the first
19 time, when it was presented, and it was very
20 confusing.

21 I am glad that we took the
22 extra steps to clarify everything. Actually,
23 to help the property owner and the
24 businesses.

25 I concur with Member

1 Montville that given the current layout of
2 Grand River, and all that you have going on
3 there, I think that it is important to
4 identify that business separate from Target
5 and Sam's Club.

6 And the reason I would
7 support this is because of the uniqueness of
8 the lot, the uniqueness of how you got here
9 and that basically that it's not under your
10 control.

11 It's not like you can put
12 your name onto Sam's Club's sign or to
13 Target, and that would be, in my opinion, a
14 disservice to you as a business, coming into
15 Novi and trying for proper identification.

16 Also, given the lay of the
17 property, especially when you're going east
18 on Grand River, it's pretty difficult to
19 identify that that strip mall is there.

20 And it is unfortunate that
21 the Target and Sam's Club sign is there, but
22 I think with the added sign and your mockup
23 has been there for a while now, so we have
24 had ample opportunity to stare at it -- well,
25 not stare at it, but look at it, sorry.

1 I think that it proves the
2 point that it needs -- it brings to the
3 forefront that there is a business there.

4 And for many years that there
5 hasn't been a business, I think it's
6 important that this variance be granted to
7 help the identification.

8 So I am in full support and I
9 promise I won't be long-winded on the rest of
10 the cases, but I felt this case was very
11 unique and whatever we could indicate on your
12 behalf, needed to be said this evening.

13 So I would entertain a
14 motion. Member Montville.

15 MR. MONTVILLE: I move that we
16 grant the variance requested in Case No.
17 PZ16-0034, sought by Grand Promenade, LLC,
18 for a sign variance of a second monument
19 sign.

20 The petitioner has shown
21 practical difficulty requiring the second
22 sign on their property. Without this
23 particular variance request, the business
24 will be prohibited from using their property
25 zoned as general business due to poor

1 visibility and also safety concerns of the
2 high traffic volume on Grand River Avenue.

3 This property is unique due
4 to the pre-existing historical content that
5 created the initial variance request, and
6 also due to the setback of the building
7 requiring additional visibility for consumers
8 and traffic, again, traveling on Grand River.

9 The petitioner did not create
10 this particular condition, due to the
11 historic context arising that created the
12 necessity for the variance request in the
13 first place.

14 The relief when granted will
15 not unreasonably interfere with any adjacent
16 or surrounding properties as the sign is
17 esthetically, professionally designed and is
18 harmonious to the surrounding buildings as
19 presented by the petitioner. And the relief
20 when granted is consistent with the spirit
21 and intent of the ordinance.

22 For those reasons, I move
23 that we grant the variance as it has been
24 requested.

25 MR. FERRELL: Second.

1 CHAIRPERSON GRONACHAN: It's been
2 moved and second. Is there any further
3 discussion on the case?

4 Seeing none, Monica, would
5 you please call the roll.

6 MS. DRESLINSKI: Member Ferrell?

7 MR. FERRELL: Yes.

8 MS. DRESLINSKI: Member Byrwa?

9 MR. BYRWA: Yes.

10 MS. DRESLINSKI: Member
11 Montville?

12 MR. MONTVILLE: Yes.

13 MS. DRESLINSKI: Member
14 Gronachan?

15 CHAIRPERSON GRONACHAN: Yes.

16 MS. DRESLINSKI: Motion passes
17 four to zero.

18 CHAIRPERSON GRONACHAN: Your
19 variance has been granted and good luck and
20 welcome to Novi.

21 Our next case is Sign Art
22 PZ16-0061, 27200 Beck Road, north of Grand
23 River and east of Beck.

24 The applicant is requesting a
25 variance to allow an increase height of an

1 existing ground sign.

2 Is the petitioner here?

3 Would you please state your
4 name, and if you are not an attorney, raise
5 your right hand and be sworn in by our
6 secretary.

7 MR. CONROY: Mitch Conroy,
8 C-o-n-r-o-y.

9 MR. MONTVILLE: Raise your right
10 hand, sir. Do you promise to tell the truth
11 in the testimony you are about to provide?

12 MR. CONROY: I do.

13 CHAIRPERSON GRONACHAN: You may
14 proceed.

15 MR. CONROY: So we are -- we were
16 here a few months ago to request a variance
17 on a number of tenants for the monument sign
18 that we put in, for the multi-tenant complex
19 at 27200 Beck Road.

20 We reduced it from four
21 tenants, which is required, down to three.
22 We met all of other requirements about the
23 zoning code, restrictions on a six foot
24 maximum height, and then the 30 square feet
25 area. We needed 35. I don't have it in

1 here. But we stayed under the allowance, and
2 kind of an unforeseen issue at that time, was
3 that a retaining wall was being put in, so
4 the sign staying at six foot height is
5 actually just a little short, where to me
6 setback requirements we had to put it behind
7 the wall. We couldn't put it in front of the
8 wall.

9 And basically the lower
10 tenant, half of the Starbucks phase is
11 partially blocked.

12 So for the future use, I
13 guess, so that one of the tenants down the
14 road is not -- doesn't have a sign face that
15 is invisible to traffic, we are asking for a
16 variance to raise the height to eight feet,
17 so two foot variance from the six foot
18 requirement. That will put the sign up over
19 the wall by about one foot.

20 The property next door is the
21 Shell gas station, their sign is at a height
22 of eight foot five inches, from what I
23 understand, they were granted a variance to
24 basically go above the six foot requirement
25 as well.

1 So we are not really asking
2 for anymore than I guess the height that they
3 have.

4 CHAIRPERSON GRONACHAN: Okay.
5 Anything else?

6 MR. CONROY: I believe that is
7 it.

8 CHAIRPERSON GRONACHAN: Thank
9 you. Is there anyone in the audience that
10 wishes to make comment on this case.

11 Seeing none, building
12 department?

13 MR. BUTLER: No comments.

14 CHAIRPERSON GRONACHAN:
15 Correspondence?

16 MR. MONTVILLE: Yes, 15 letters
17 mailed, two letters returned, zero approvals
18 and zero objections.

19 CHAIRPERSON GRONACHAN: Okay.
20 Board members? Member Montville.

21 MR. MONTVILLE: So I drove by
22 over the weekend and again this morning, and
23 that retaining wall kind of messes things up
24 a little bit.

25 You can't move the sign

1 because of the distance away from the street
2 and you need an alternative. I think two
3 feet is the minimum to get it over that wall.

4 I would be in full approval
5 at this point.

6 CHAIRPERSON GRONACHAN: Okay.
7 Anyone else?

8 It's unfortunate that that
9 happened. I know that when you were here,
10 the retaining wall was not an issue at the
11 time, and there has been a great deal of work
12 and time put into this business, and I have
13 no problems supporting this request.

14 I think that this is not
15 self-created and I will save the rest for the
16 motion.

17 I will entertain a motion at
18 this time, if there is no further discussion.

19 Member Montville.

20 MR. MONTVILLE: I move that we
21 grant the variance requested in Case No.
22 PZ16-0061, sought by Mitchell Conroy, Sign
23 Art, Incorporated for a sign height variance,
24 as the petitioner has shown practical
25 difficulty requiring the 2 feet heightening

1 of the sign.

2 Without the variance the
3 petitioner will be prevented and limited to
4 use of their property due to limited
5 visibilty, and again, potential safety
6 concerns due to a high traffic intersection.

7 The property is unique due to
8 the additional retaining wall specific to
9 that sign requiring the two feet addition at
10 the bottom.

11 The petitioner did not create
12 this condition, and was not self-created due
13 to the retaining wall being developed.

14 The relief when granted will
15 not unreasonably interfere with any adjacent
16 or surrounding properties, as it is the
17 minimum height necessary, the sign is
18 designed to be succinct with all the
19 surrounding properties, and the relief is
20 consistent with the spirit and intent of the
21 ordinance.

22 And for those reasons, I move
23 that we grant the variance as it has been
24 requested.

25 MR. FERRELL: Second.

1 CHAIRPERSON GRONACHAN: It's been
2 moved and second. Any further discussion?

3 Seeing none, Monica, would
4 you please call the roll.

5 MS. DRESLINSKI: Member Ferrell?

6 MR. FERRELL: Yes.

7 MS. DRESLINSKI: Member Byrwa?

8 MR. BYRWA: Yes.

9 MS. DRESLINSKI: Member
10 Montville?

11 MR. MONTVILLE: Yes.

12 MS. DRESLINSKI: Chairperson
13 Gronachan?

14 CHAIRPERSON GRONACHAN: Yes.

15 MS. DRESLINSKI: Motion passes
16 four to zero.

17 CHAIRPERSON GRONACHAN: Your
18 variance has been granted. Good luck.

19 MR. CONROY: Thank you.

20 CHAIRPERSON GRONACHAN: Our last
21 case of the evening is David and Colleen
22 Bouren at 1391 East Lake Drive, Case No.
23 PZ16-0062.

24 The applicant is requesting a
25 variance for a new residence to allow reduced

1 rear yard setback, side yard setback, reduced
2 aggregate total and a couple of other
3 requests, based on the zoned R4, one family
4 residential.

5 Good evening. Are you both
6 giving testimony this evening?

7 MR. BOUREN: YES.

8 CHAIRPERSON GRONACHAN: Would you
9 please state your names, spell them for our
10 recording secretary and then raise your right
11 hand to be sworn in.

12 MR. BOUREN: David Bouren,
13 D-a-v-i-d, B-o-u-r-e-n.

14 MS. BOUREN: Colleen Bouren,
15 C-o-l-l-e-e-n, same last name.

16 MR. MONTVILLE: Do you promise to
17 tell the truth in the testimony you're about
18 to give?

19 MS. BOUREN: Yes.

20 MR. BOUREN: Yes.

21 CHAIRPERSON GRONACHAN: You may
22 proceed.

23 MR. BOUREN: We were here a
24 couple months ago requesting the same
25 variances.

1 The picture we showed though
2 was a misrepresentation of what the house was
3 going to be.

4 We wanted to add a shed
5 dormer to allow a habitable attic, and that's
6 why we are back here today, showing the
7 different picture and different floor plan.

8 All the variances are the
9 same as requested two months ago.

10 CHAIRPERSON GRONACHAN: Okay.
11 Anything else?

12 MR. BOUREN: No.

13 CHAIRPERSON GRONACHAN: All
14 right. There is no one in the audience to
15 make comment at this time. Building
16 department, do you have anything to add?

17 MR. BUTLER: What is your
18 definition of habitable space for your attic?

19 MR. BOUREN: It's the city's
20 definition. It's a bonus room. It has
21 minimum ceiling height. The habitable part has
22 to be a minimum of five feet tall. I think
23 less than seven feet at the center of the
24 roof.

25 MS. BOUREN: Less than 50 percent

1 of the footprint. That's what Chris Weber
2 has been talking about.

3 MR. BUTLER: This is not designed
4 as sleeping area?

5 MS. BOUREN: No, because the
6 house is so narrow, the only way we get
7 storage in the attic is if we have 12 -- we
8 have a very steep pitched roof. The picture
9 we showed before, we were going back and
10 forth with the building department on how to
11 make like a storage area up there with
12 dormers that would work with not doing it as
13 a third story. We don't want a third story.

14 We just showed a stock photo
15 from the company's website, and then the next
16 day we went in and talked to Chris, and I
17 think Charles. I think he talked to the city
18 attorney. They said that the picture that we
19 showed that we had to build that roof line.
20 We didn't want that roof line because it's a
21 6/12, and we can't have storage with a 6/12,
22 only have about three feet up there.

23 MR. BUTLER: Thank you. I just
24 wanted a clear definition of your intentions.
25 Thank you.

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CHAIRPERSON GRONACHAN: Does the city attorney have anything to offer?

MS. SAARELA: I don't think I was involved in this. It must have been Tom Schultz from my office, if the discussion was had with our office.

CHAIRPERSON GRONACHAN: Board members? Member Byrwa. Communications.

MR. MONTVILLE: Fourteen letters mailed, one letter returned, one objection, from Brent Brashears at 1395 East Lake Road. He comments on his opinion of concern the city is not addressing the illegal storage structures that sit on the east edge of the property, that they are encroaching on the woodlands, that they are larger than the code allows.

CHAIRPERSON GRONACHAN: Member Byrwa.

MR. BYRWA: Yes, I was concerned with the side yard setbacks that were shown on the one side, that it's approximately three feet?

MR. BOUREN: Correct.

MR. BYRWA: Were you aware of

1 some special requirements that when you build
2 that close to a lot line the fire ratings and
3 I think you're limited or no windows, things
4 of that sort?

5 MR. BOUREN: I think at three
6 feet you are still allowed windows, less than
7 25 percent. I think is what the building
8 department told us.

9 MR. BYRWA: If you are
10 interested, I got a copy of the rules on
11 that, if you care for a copy of that. It's
12 the 2015 Michigan Residential Code, which is
13 the law of the land throughout the state. As
14 long as you're aware of it, there are special
15 requirements when you build that close to the
16 lot line. Thank you.

17 CHAIRPERSON GRONACHAN: Okay.
18 Anyone else? Member Montville.

19 MR. MONTVILLE: I want to make
20 sure I am organized. On the carport side of
21 the current structure, which specific
22 variance is that, so is that --

23 MR. BOUREN: On the carport side
24 we are asking for one and a half foot off the
25 lot line.

1 MR. MONTVILLE: How far is the
2 carport from the lot line right now?

3 MR. BOUREN: Less than six inches
4 probably.

5 MR. MONTVILLE: That was one
6 thought. It is narrow over there. I just
7 want to make sure you're pulling back. Okay.
8 Gotcha. That's all I have right now. I
9 would open it up to further discussion.

10 CHAIRPERSON GRONACHAN: Okay.
11 Member Ferrell, do you have anything to add?

12 MR. FERRELL: I do not, Madam
13 Chair.

14 CHAIRPERSON GRONACHAN: I think
15 the question was the fact that the original
16 house that we looked at was one story that
17 you showed or was it two stories?

18 MS. BOUREN: It was two stories.

19 MR. BOUREN: It was the same
20 structure without this dormer and the pitch
21 of the roof was a little bit lower.

22 CHAIRPERSON GRONACHAN: By adding
23 all of that, that's what -- because we didn't
24 get to see that, that's why we had to do this
25 again.

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MS. BOUREN: True.

CHAIRPERSON GRONACHAN: And I don't recall that I had any issues back then. I think that the property is unique, as to the size and the shape, and as long as you're addressing all the regulations with the building department, I can be in full support of this. So I have no problem with your request.

I would entertain a motion if the board has no further discussion.

MR. MONTVILLE: I am prepared to make a motion at this time.

CHAIRPERSON GRONACHAN: Member Montville.

MR. MONTVILLE: I move that we grant the variances requested in Case No. PZ16-0062, sought by David and Colleen Bouren for setback variances, as the petitioner has established that the property in this particular case is unique due to the pre-existing non-compliant lot.

The need for this variance is not self-created, as the lot again was already pre-existing, non-compliant and the

1 structure being proposed with the variances
2 is a reduced structure based on size compared
3 to what is currently in place.

4 Strict compliance with the
5 regulations of the current ordinance as
6 written would prevent the petitioner from
7 using the lot as currently zoned.

8 The petitioner has
9 established this variance is the minimum
10 necessary as a lesser variance would prevent
11 the petitioner from using the lot as a
12 residential buildable lot.

13 The requested variance will
14 not cause an adverse impact on surrounding
15 properties, as it is an improvement, and the
16 esthetic presentation and value of the
17 property, and again is a reduced structure
18 size, reduced dimension size compared to the
19 current structure.

20 For those reasons, I move
21 that we grant the variances as they have been
22 requested.

23 MR. FERRELL: Second.

24 CHAIRPERSON GRONACHAN: It's been
25 moved and second. Is there any further

1 discussion?

2 Seeing none, Monica, would
3 you please call the roll.

4 MS. DRESLINSKI: Member Ferrell?

5 MR. FERRELL: Yes.

6 MS. DRESLINSKI: Member Byrwa?

7 MR. BYRWA: Yes.

8 MS. DRESLINSKI: Member

9 Montville?

10 MR. MONTVILLE: Yes.

11 MS. DRESLINSKI: Chairperson

12 Gronachan?

13 CHAIRPERSON GRONACHAN: Yes.

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

16 CHAIRPERSON GRONACHAN: Your
17 variances have been granted. Let's hope you
18 can get it done this time.

19 Is there anything further to
20 discuss this evening? Anybody have anything
21 to add?

22 We will have some changes at
23 the board next month. I am anticipating a
24 new alternate being appointed hopefully.

25 And so I think that probably

1 by March we should entertain elections.
2 Historically I think they were done in
3 February, but given the switch and change and
4 everything, I think by March we should be
5 able to entertain the thought of elections.

6 Just so you all know,
7 nominating me Chair will not be an option
8 this time. I think I have served two years.
9 It's been great. I love it. I'd like to
10 take a seat to the left or the right, and
11 open the chair to someone else, just so they
12 can gain experience and knowledge. I would
13 be here to help if asked. So something to
14 think about.

15 Having said that, is there
16 anything else to be added?

17 Is there a motion to adjourn?

18 MR. FERRELL: So moved.

19 CHAIRPERSON GRONACHAN: All those
20 in favor say aye.

21 THE BOARD: Aye.

22 CHAIRPERSON GRONACHAN: Meeting
23 adjourned.

24 (The meeting was adjourned at 7:33 p.m.)

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STATE OF MICHIGAN)
) ss.
COUNTY OF OAKLAND)

I, Jennifer L. Wall, Notary Public within and for the County of Oakland, State of Michigan, do hereby certify that the meeting was taken before me in the above entitled matter at the aforementioned time and place; that the meeting was stenographically recorded and afterward transcribed by computer under my personal supervision, and that the said meeting is a full, true and correct transcript.

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

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

1-18-17


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