

REGULAR MEETING - ZONING BOARD OF APPEALS

CITY OF NOVI

November 10, 2015

Proceedings taken in the matter of the ZONING BOARD OF APPEALS, at City of Novi, 45175 West Ten Mile Road, Novi, Michigan, on Tuesday, November 10, 2015

BOARD MEMBERS

Cindy Gronachan, Chairperson

David Byrwa

Jonathan Montville

Jason Richert

Rickie Ibe

Brent Ferrell

ALSO PRESENT: Thomas Walsh, Building Official

Beth Saarela, City Attorney

Charles Boulard, City Attorney

Coordinator: Stephanie Ramsay, Recording Secretary

REPORTED BY: Patricia J. Hankerd, CSR 5440

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Novi, Michigan.

Tuesday, November 10, 2015

7:00 p.m.

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CHAIRPERSON GRONACHAN: I'd like to call the November 2015 Zoning Board of Appeals meeting to order. Would you please rise for the pledge of allegiance.

(Pledge recited.)

Thank you. Ms. Ramsay, would you please call the roll?

MS. RAMSAY: Member Ferrell?

MR. FERRELL: Here.

MS. RAMSAY: Member Ibe?

MR. IBE: Present.

MS. RAMSAY: Member Krieger is absent, excused.

Member Sanghvi is absent, excused.

Member Byrwa?

MR. BYRWA: Yes, here.

MS. RAMSAY: Member Richert?

MR. RICHERT: Here.

MS. RAMSAY: Member Montville?

MR. MONTVILLE: Here.

MS. RAMSAY: And Chairperson Gronachan?

1 CHAIRPERSON GRONACHAN: Here. Thank  
2 you --

3 Welcome everyone to the meeting. I  
4 know we have some cases that are returning from  
5 last month. I would like it call everyone's  
6 attention to the rules of conduct which are in  
7 the back that you will find along with the  
8 agenda. I'm going to ask everyone at this time  
9 to please turn off your cell phones.

10 And if there's anyone in the audience  
11 that wishes to make comments on the cases that  
12 are before us tonight, please make sure that I  
13 see you. Sometimes it's difficult with the  
14 lighting in here. I'm really not trying to  
15 ignore you. So wave, dance, sing, whatever.

16 We have -- there are no changes in the  
17 agenda this evening. All those in favor of the  
18 agenda say aye.

19 COLLECTIVE BOARD: Aye.

20 CHAIRPERSON GRONACHAN: We have the  
21 approval of the September 15, 2015, minutes and  
22 the approval of the October 13 2015 minutes. Are  
23 there any changes or comment in regards to the  
24 minutes?

25 (No audible responses.)

1 CHAIRPERSON GRONACHAN: Seeing none,  
2 all those in favor of the minutes as printed say  
3 aye.

4 COLLECTIVE BOARD: Aye.

5 CHAIRPERSON GRONACHAN: The minutes for  
6 both September and October have been approved.

7 At this point, if there's anyone in the  
8 audience that wishes to make a comment to the  
9 Board that is not related to any of the cases  
10 before us, you can come to the podium at this  
11 time.

12 (No audible responses.)

13 CHAIRPERSON GRONACHAN: Seeing none, we  
14 will move right into our first case. Case  
15 Number PZ15-0010, Pjeter Stanaj, vacant parcel  
16 south of Nine Mile Would you like to come down?  
17 This might be the petitioner coming in.

18 Are you with Mr. San -- are you  
19 Mr. Stanaj?

20 MR. STANAJ: Yes.

21 CHAIRPERSON GRONACHAN: Okay. You're  
22 the first case up. Would you like to come on  
23 down?

24 Board members, you'll recall that this  
25 case was tabled from last month. The petitioner

1 is requesting two variances for the construction  
2 of a new home.

3 Come on up. You were all sworn in last  
4 month. It still stands for this month, so you  
5 will still be under oath. We don't need to  
6 follow that procedure again. If you would just  
7 like to state your names for the record, and you  
8 can --

9 CHAIRPERSON GRONACHAN: Would you  
10 spell it for the secretary, please?

11 MR. STANAJ: P-j-e-t-e-r S-t-a-n-a-j.

12 MS. MICHALSKI-WALLACE: Ginger  
13 Michalski-Wallace, G-i-n-g-e-r M-i-c-h-a-l-s-k-i  
14 dash W-a-l-l-a-c-e.

15 MR. RAFTARY: Russell Raftary,  
16 R-a-f-t-a-r-y.

17 CHAIRPERSON GRONACHAN: Sir, you  
18 don't -- were you here last month?

19 MR. RAFTARY: I was not.

20 CHAIRPERSON GRONACHAN: And you're an  
21 attorney?

22 MR. RAFTARY: No.

23 CHAIRPERSON GRONACHAN: Okay.

24 MR. RAFTARY: I'm an appraiser.

25 CHAIRPERSON GRONACHAN: All right.

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Would you please --

MR. STANAJ: Our attorney should be here any minute.

CHAIRPERSON GRONACHAN: Would you please raise your right hand and be sworn in by our secretary.

MR. FERRELL: Do you swear to tell the truth in the testimony you're about to give?

MR. RAFTARY: Okay.

MR. FERRELL: Can you state and spell your name for the court recorder.

MR. RAFTARY: It is Russell, R-u-s-s-e-l-l. Last name is Raftary, R-a-f-t-a-r-y.

CHAIRPERSON GRONACHAN: Thank you.

Okay. You may proceed.

MS. MICHALSKI-WALLACE: I don't know how far back you want me to go.

CHAIRPERSON GRONACHAN: I don't -- I don't feel like you have to do the whole thing all over again. The board is prepared. We have our minutes. And so you can bring us up to date on what additions based on our last meeting.

MS. MICHALSKI-WALLACE: Okay. Real quick, I did confirm that there are utility,

1 sanitary, and water located at the intersection  
2 just northeast of this property that would have  
3 to be brought in if they got the variances to be  
4 able to build a house on the property.

5 We are proposing a 43 foot right-of-way  
6 which I believe the City would require to be  
7 conforming with the plat on both sides of us. So  
8 we are already giving ten feet of additional  
9 right-of-way. I just wanted to point that out.

10 We have put together a plan with  
11 information provided by the City for the existing  
12 houses on both sides to give some dimensions.  
13 And these are per plan. They're not measured.  
14 So they may be plus or minus a little bit, but  
15 not very much.

16 Then, Pete?

17 Do you have any questions about the  
18 proposed house location?

19 CHAIRPERSON GRONACHAN: Not at this  
20 time. If you will present all of your  
21 information, and then we'll turn it back over to  
22 the board.

23 MS. MICHALSKI-WALLACE: Pete has  
24 prepared architectural plans as requested for the  
25 building along with sections. We have the

1 two-story home. First floor, 1200 square feet;  
2 and the second floor is 1075 square feet. I  
3 believe these are in your packet, I would assume.

4 CHAIRPERSON GRONACHAN: Correct.

5 MS. MICHALSKI-WALLACE: Okay. Do you  
6 want me to show them or --

7 THE FOREPERSON: Not unless you have  
8 something additional to offer at this time?

9 MS. MICHALSKI-WALLACE: Not  
10 specifically, no.

11 MR. GEORGE: Hi. Sorry, for my  
12 tardiness. Steve George. I'm the attorney that  
13 was here last time for -- with Mr. Stanaj.

14 It was our intention to have me come  
15 and go first and sort of present an overview.  
16 And, again, I apologize for my tardiness. I was  
17 coming from downtown.

18 But if I might, I'm assuming that what  
19 we've discussed so far is the survey portion of  
20 this, is that correct, and also the build-out?

21 What I wanted to do is go over this  
22 whole thing on a global level and just, again,  
23 take a step back and see if we're -- from Step 1  
24 if we're addressing all of the concerns of the  
25 council based on our last meeting because that

1 was the first time I was here and ultimately move  
2 forward to make sure we have all the information  
3 that you need to make an informed decision.

4 And on that note, I'd like to step back  
5 and just let me gather this one piece of  
6 information here. I've got all this other stuff  
7 that Mr. Stanaj had up here.

8 As the zoning review, as we indicated  
9 last time we were here, there are four criteria  
10 that have to be met -- or at least discussed and  
11 addressed with regard to a potential approval of  
12 a variance. And last time we were here, we made  
13 the representation that the four criteria that  
14 are taken into consideration have indeed been  
15 met.

16 Those four criteria are as follows:  
17 That a variance will be granted if the petitioner  
18 has established that the property is unique and  
19 that the physical condition of the property  
20 creates a need for a variance. We've addressed  
21 that issue last time we were here. And, again, I  
22 think it was addressed just before I got here  
23 with regard to the survey and the build-out.

24 We need a variance. We could not build  
25 a house of like kind taking into consideration

1 the surrounding neighbors, taking into  
2 consideration what Novi would like to see built  
3 there. We cannot do that without a variance. So  
4 because of the size of the property and the way  
5 it's laid out, there is a specific need for a  
6 variance.

7 Number 2, that the need for the  
8 variance is not self-created. This is not a  
9 property that was split by my client. It was not  
10 self-created. He didn't have a larger lot and  
11 split it in half. This is not something he's  
12 imposed on himself. And for that reason, I  
13 believe we meet Criteria Number 2.

14 Criteria Number 3 is a strict  
15 compliance with dimensional restrictions of the  
16 zoning ordinance would in some way unreasonably  
17 prevent petitioner purposed. If he did not get  
18 this variance -- if my client, Mr. Stanaj, did  
19 not get this variance, he would not be able to  
20 use this property at all. He would be prevented  
21 from any kind of the intended use of this  
22 property which is residential.

23 If he doesn't get a variance, he will  
24 not be able to build on the property. So with  
25 regard to the Criteria Number 3, we believe we

1 satisfy Criteria Number 3 because, in fact, it  
2 would prevent him from doing anything with the  
3 property.

4 The survey that's been presented to you  
5 essentially is -- puts forth the minimum --  
6 the minimum variance necessary in order to build  
7 a house approximately 2,800 square feet which is  
8 consistent with the houses surrounding this  
9 particular property. So In a sense we cannot  
10 reduce the variance any more than it's already  
11 been presented to this zoning board.

12 The final criteria relates to, I think,  
13 the hot button with this issue; and the one issue  
14 that seemed to be addressed quite extensively the  
15 last time we were here; and that is, somehow  
16 would a variance cause some sort of adverse  
17 impact, possibly reducing the value of the  
18 adjacent properties.

19 We made the representation that we did  
20 not believe that if a variance was granted in a  
21 house of like workmanship, like kind  
22 aesthetically as the houses built surrounding  
23 this property, if a house of that nature was  
24 built on this property, we made the  
25 representation that that would not, in itself,

1 cause the surrounding properties to be decreased  
2 in value. There would be no depreciable,  
3 tangible value measure of value to the  
4 surrounding properties.

5 That obviously was something that was  
6 objected to, opposed by the people that stood  
7 before the zoning board and testified, the  
8 neighbors that were here, the neighbors that are  
9 here, I'm assuming, today that will do the same  
10 thing. And we didn't believe that any tangible  
11 proof had been put forth that there had been a  
12 decreased value or a potential for decreased  
13 value if it was built.

14 There were some comments that were put  
15 back onto us with regard to whether we had any  
16 ability to prove that by building the house it  
17 would not decrease the value and that was  
18 discussed. And at the time, we didn't because we  
19 felt that the burden possibly had been put on the  
20 surrounding property owners to show that it  
21 actually would decrease the value. We were  
22 essentially being asked to prove something would  
23 not take place.

24 Having said that, we took it upon  
25 ourselves to address that issue. And I will come

1 back to address that issue in a moment because I  
2 do have someone that will be testifying with  
3 regard to that issue. But for now if we can just  
4 put that off to the side. We're taking the  
5 position that there would be no decrease in value  
6 if this house is being built.

7 There were other comments, though, I  
8 would like to address last time we were here that  
9 I felt were either -- not intentionally but,  
10 nevertheless, misrepresentative of some of  
11 additional considerations that were being taken  
12 before the -- before the zoning board.

13 Number 1, where this house would sit if  
14 built and how close it would be to other houses,  
15 other property lines. The closest -- the closest  
16 this house will sit to any one property line  
17 surrounding or -- yeah, surrounding this house is  
18 25 feet.

19 There were some representations made  
20 last time we were here that somehow by building  
21 this house, this house could be as close as 15  
22 feet to somebody else's property line or maybe  
23 even 15 feet to the actual house that was  
24 adjacent to this -- to this property. That is  
25 just not true, and it's not true for a number of

1 reasons.

2 Number 1, this house will not sit  
3 closer than 25 feet from any property line within  
4 its own -- within its own property. What's more  
5 is each of the houses that surround this property  
6 have a setback of 40 feet. The closest -- the  
7 closest any one house will be to this house once  
8 it's built will be over 60 feet.

9 In fact, it's going to be over -- it  
10 will be 65 feet because the houses that surround  
11 this property also have a 40 foot setback  
12 required by the City. So they're not going to be  
13 any closer than 65 feet from one another. That's  
14 the distance, the closest point that they could  
15 possibly be.

16 Secondly, there was this  
17 consideration -- or at least this representation  
18 that somehow my client had been a developer and  
19 has developed properties in the surrounding -- in  
20 this subdivision because he owned property before  
21 this piece of property. That's not true. That  
22 was a misrepresentation. My client has never  
23 developed any property within this subdivision  
24 before. He's owned property, and he's sold those  
25 lots, but he never developed before.

1                   And I think that that's intended to  
2                   sort of mislead the zoning board as if my client  
3                   is this big developer that's buying and flipping  
4                   properties and building on them and flipping  
5                   them. That's not the case. He -- he hasn't --  
6                   he hasn't said for sure if this is a property  
7                   he's going to move in, and that's been made a big  
8                   deal of.

9                   And it's been brought to the attention  
10                  of the zoning board as if that should be a  
11                  detering factor in allowing for the variance,  
12                  that my client may or may not live there. That's  
13                  not part of the consideration here. He may not  
14                  live there after he builds it. He may. He wants  
15                  to build a house because he wants to create a  
16                  value. He owns the property.

17                  What he paid for the house, whether he  
18                  moves in or not, that's not part of the  
19                  criteria -- from what I can see -- that's part of  
20                  the ordinance that's going to be considered by  
21                  this zoning board. It doesn't -- what my client  
22                  paid for the property was also brought up as if  
23                  to suggest that somehow there would be no loss to  
24                  him if he's not permitted to build on it because  
25                  once the variance is not granted, he would have

1 no -- it could not be used for its intended  
2 purpose as a residential lot.

3 Well, what he paid for it is not  
4 relevant either. I mean, I understand the  
5 position that opposing -- or adjacent property  
6 owners are taking with regard to that; but it's a  
7 relevant issue with regard to the zoning variance  
8 that's being requested here today.

9 I -- I think it's -- the real -- the  
10 real -- the only material issue that has been  
11 brought up in the time that I've been involved in  
12 this case and looking back at my notes from the  
13 last meeting is the fact that the surrounding  
14 property owners are suggesting that there's going  
15 to be a decrease or devaluing of their own  
16 property which, again, I'll address that here in  
17 a second.

18 One of the things that was brought up,  
19 Chairperson, yourself, you brought up the fact  
20 that you -- you made it very clear you wanted us  
21 to reach out to the neighbors because it was  
22 important to communicate. And on that note I  
23 would like to indicate that Mr. Ewing who is here  
24 today came over and talked to us after the  
25 meeting. Was very forthcoming. I've had

1 multiple conversations with him.

2 He's an -- he's an attorney. I think  
3 he's the property owner that is directly adjacent  
4 to the property that is being -- that we were  
5 requesting a variance. He may be the most  
6 impacted with regard to this issue because of  
7 where his property sits.

8 But we -- we spoke after the meeting a  
9 number of times. We exchanged numbers. I found  
10 him to be extremely open-minded about the  
11 possibility of coming before this zoning board  
12 and what my job was as a representative of the  
13 property owner that was looking for the variance.  
14 And he never once made himself out to be a  
15 spokesperson for the other -- other neighbors.

16 I mean, that's a very uncomfortable  
17 position for him to be in because he didn't have  
18 a consensus from everybody, although he may -- he  
19 indicated he had some conversation at some point,  
20 but there was never really a consensus. And he  
21 never -- he never tried to speak on behalf of  
22 anyone but himself.

23 But we did speak a number of times. I  
24 provided him with a copy of the floor plan that  
25 was prepared for -- for the zoning board prior to

1 the meeting, so he would have a copy of it. My  
2 understanding is -- and he can speak to this --  
3 is that he distributed it to some members of the  
4 community within that -- within the subdivision,  
5 within the association. One of which I believe  
6 was a real estate agent. Another one was an  
7 architect.

8 So there was some due diligence done on  
9 their part; but no one else besides Mr. Ewing  
10 tried to contact me. I really had no other real  
11 way to get ahold of anybody else. But I did have  
12 multiple conversations. We did reach out.

13 And, again, I appreciate Mr. Ewing  
14 doing that because he was put in a very  
15 compromising position because again he made it  
16 clear -- and I can't speak for everybody, but I  
17 can tell you that from my conversations with  
18 Mr. Ewing both outside here and then after,  
19 during this period of time from the last meeting  
20 to this meeting and listening to the to -- the  
21 representations made by the surrounding property  
22 owners, I find this issue to be mutually -- our  
23 position and their positions to be mutually  
24 exclusive.

25 I don't -- it doesn't appear that

1           there's any plan that we could submit for their  
2           review, in my opinion, where they're going to  
3           say, yeah, okay, that's good but if you do this,  
4           this and this, we're on the same page. I don't  
5           believe we're going to be on the same page.

6                        I believe that the zoning board is  
7           going to have to make a decision based on the  
8           facts before them. I believe they're going to  
9           have to look at the criteria that they have to  
10          make that decision. And I think that it's going  
11          to have to be made a decision where, again, it's  
12          a mutually exclusive, where it's going to be all  
13          or nothing for one party or the other.

14                      I don't think they would -- I don't  
15          think any of the neighbors are going to be happy  
16          if a house is built there. They've made that  
17          clear at least the ones that spoke. I can't  
18          speak about all the neighbors. But the ones that  
19          at least stood up and came to the meeting each of  
20          the times that we've had these meetings. I mean,  
21          I think they're all going to -- I don't think any  
22          of them are going to stand up and say, you know  
23          what, let Mr. Stanaj have his variance.

24                      Having said that, I still believe that  
25          this really comes down to the four criteria that

1 the zoning board has to consider. And if their  
2 property values are not going to be decreased in  
3 any way, if there's not going to be depreciation  
4 of what they own, then I believe that that being  
5 the only really material objection that I've  
6 heard up to this point that there really is no  
7 issue or reason why this variance shouldn't be  
8 granted.

9 A couple of other quick notes on some  
10 of the things that were discussed the last time  
11 we were here. There's a representation made that  
12 some of the property owners may have been told at  
13 some point, maybe before they bought the  
14 property, maybe while they were looking to build  
15 the property that somehow the lot that my client  
16 owned was a piece of property that could not be  
17 built on. They said that that's the belief they  
18 had or the understanding they had maybe when they  
19 bought the property, when they were building the  
20 property.

21 It's unclear as to when that  
22 representation may have been made or who made  
23 that representation. But I can assure you of one  
24 thing. Mr. Stanaj never made any representation  
25 with regard to whether his property is a property

1 that could be built on or not built on to any of  
2 the property owners adjacent to his property. He  
3 never made any representation with regard to  
4 whether it was a property that was available for  
5 build-out. He's never addressed that issue with  
6 them so as for them to rely on to make any  
7 decision to buy the property adjacent to  
8 Mr. Stanaj's property.

9 If a third party has made any kind of  
10 representation with regard to whether the  
11 property Mr. Stanaj owns is buildable or not or  
12 whether this property can be built on is an issue  
13 that they must take up with the third party that  
14 made that representation. My client is not  
15 responsible for those representations nor should  
16 he be in any way should those representations  
17 cause any detrimental or harm to him or hardship  
18 because that representation may have been made.  
19 If there was a reliance on that, that needs to be  
20 taken up with the party that made those  
21 representations.

22 Now, going to the issue of the value,  
23 again I think that this is the only real issue  
24 that I think was brought up in any discussions we  
25 had either last meeting and what I believe will

1 be the discussions that come up in this meeting.  
2 And with that in mind, I sought the assistance of  
3 an appraiser that I felt was qualified to address  
4 the issue of: (A), how is a property -- how is a  
5 residential property appraised; (B), if the  
6 residential property adjacent my client's  
7 property were appraised without a house being  
8 built there; (C), would that change if a house  
9 was built on that property.

10 So we have a vacant lot. Someone that  
11 would look at the value or take into  
12 consideration the criteria in evaluating the  
13 surrounding properties. And then if the house  
14 that's being proposed here today with the plans  
15 that have been submitted for review was built on  
16 that vacant property, would that in any way  
17 change the value of the adjacent property  
18 owners -- value of their homes or property.

19 I addressed that issue with a gentleman  
20 by the name of Russell Raftary.

21 Am I saying your name right?

22 MR. RAFTARY: Raftary.

23 MR. GEORGE: Raftary. Mr. Raftary has  
24 been a licensed appraiser for over 45 years. His  
25 CV is extensive and it's very impressive. I have

1 a copy for everyone here if you would like, or I  
2 could put it up on the overhead, but --

3 CHAIRPERSON GRONACHAN: On the --

4 MR. GEORGE: Would you like it on the  
5 overhead?

6 CHAIRPERSON GRONACHAN: Please. I'm  
7 not going to go into great detail about exactly  
8 what he --

9 MS. SAARELA: Can we make sure we get  
10 one for the file here?

11 MR. GEORGE: Yeah. And I do -- if I  
12 can, I'll just pass one to everybody cause I  
13 made -- well, I thought I had enough. I mean,  
14 there are seven copies here if I may approach.

15 CHAIRPERSON GRONACHAN: We don't have  
16 one for the file. That's the most important  
17 thing.

18 MR. GEORGE: So I talked to Mr. Raftary  
19 and I asked him -- I asked Mr. Raftary if he  
20 could give me his professional opinion and tell  
21 me if a house was built on the property owned by  
22 my client if that would in any way decrease the  
23 appraised value, based on the criteria that he  
24 uses to appraise property, would decrease the  
25 value of the adjacent homeowners.

1 Mr. Raftary went to the property and  
2 viewed the property himself. He actually stood  
3 on the vacant lot. He also pulled whatever  
4 information he needed with regard to surrounding  
5 property values, and he also obviously has his  
6 own -- he has a very standardized objective  
7 criteria that they use in order to determine  
8 property values.

9 And he's prepared to testify today and  
10 answer any questions you have with regard to,  
11 (A), the valuing of property; and (B), would the  
12 construction of this house in any way diminish  
13 the value of the surrounding properties which I  
14 believe is the most important part and he's ready  
15 to testify to --

16 CHAIRPERSON GRONACHAN: Why don't we do  
17 that now.

18 Mr. Raftary, would you like to step  
19 forward, please.

20 MR. RAFTARY: Yes.

21 CHAIRPERSON GRONACHAN: You can go  
22 ahead and give us your summation, please.

23 MR. RAFTARY: Well, I looked at the  
24 property. I have been in the field for 45 years.  
25 I've never seen a home built in a neighborhood

1 that's similar materials and stuff that would  
2 adversely affect property. If there was a  
3 7-Eleven or a Chicken Coop built there, yes, it  
4 probably would adversely. But if it's a  
5 buildable lot and a home is built -- quality  
6 built home on it, it should not adversely affect  
7 the property in any way.

8 If I was to appraise one of those homes  
9 that's adjacent to it, it wouldn't matter if  
10 there is a house built back there. I see other  
11 homes in that neighborhood. I see sheds -- large  
12 sheds and stuff that's adjacent to the properties  
13 in that neighborhood, and it doesn't seem to  
14 affect the value of the homes that are built  
15 there right now. I don't know what criteria I  
16 can give you that it would. I mean, preparing  
17 appraisals on every single piece of property with  
18 hypotheticals.

19 CHAIRPERSON GRONACHAN: No --

20 MR. RAFTARY: I guess that --

21 CHAIRPERSON GRONACHAN: -- that's not  
22 necessary.

23 MR. RAFTARY: -- could be done.

24 CHAIRPERSON GRONACHAN: At this point,  
25 that wouldn't be necessary; but I thank you for

1 coming forward and clarifying that.

2 Is there anything specific more that  
3 you would like to add for the record?

4 MR. RAFTARY: Not that -- not that I  
5 can think of.

6 CHAIRPERSON GRONACHAN: Okay. Thank  
7 you.

8 Mr. George, do you have anything  
9 further to offer at this point?

10 CHAIRPERSON GRONACHAN: A summation,  
11 perhaps?

12 MR. GEORGE: Maybe just a summation.

13 Again, I believe that in looking at the  
14 four criteria, the specific objective of this --  
15 of this zoning board and what needs to be  
16 considered, I do believe my client satisfies the  
17 necessary test -- the four-pronged test that is  
18 put forth in the ordinance in order to get a  
19 variance granted in this case. I do believe that  
20 if there is any issue with regard to the test --  
21 the four test -- the four-prong test that is set  
22 fourth, it would be with regard to this issue of  
23 a depreciable value.

24 At this point -- again, I don't know if  
25 you have anything specific, again, you would like

1 to address. It doesn't appear that you have any  
2 specific questions; but it is the opinion of  
3 experienced appraiser, which is the only real way  
4 I know to get that issue before the zoning board  
5 is to bring someone that appraises houses and has  
6 for 45 years is to give his professional opinion,  
7 that it would not decrease the value.

8 And I -- and I because I know that one  
9 of the property owners in the subdivision or  
10 association is a real estate agent, I anticipate  
11 that someone else will stand up and say that it  
12 will. Again, I don't know what they would be  
13 basing it on. That's why I feel the most  
14 qualified person to address this issue would be  
15 an appraiser and that's why I brought him.

16 The only thing I would ask is that I be  
17 given at least some opportunity maybe to rebut  
18 some of the things that may be brought up that I  
19 haven't addressed in my opening or in my comments  
20 which I -- I tried to address the issues that I  
21 believe were brought forth based on the last time  
22 I was here and some anticipated issues that I  
23 tried to address; but if there's any issues that  
24 come up, I would just ask that I be allowed to  
25 respond to some of the things that are brought up

1 because I see there are a number of people that  
2 would like to speak on this issue.

3 CHAIRPERSON GRONACHAN: All right.  
4 Thank you.

5 Having that -- now, we have a number of  
6 correspondence here to be read into the public  
7 record. Normally, I would call on to the  
8 audience to for their comments. What I'd like to  
9 do is have these letters read first; and if  
10 there's anything additional to be added to the  
11 letters, then I would call the residents to add  
12 anything additional.

13 Are you in agreement with that? I see  
14 a lot of shaking heads.

15 City attorney, I can go ahead with  
16 that?

17 MS. SAARELA: As long as you're not  
18 foreclosing anybody from speaking.

19 CHAIRPERSON GRONACHAN: No. No.

20 So at this point, Mr. Secretary, how  
21 many letters do we have?

22 MR. FERRELL: Well, Madame Chair, we  
23 have nine letters sent, one letter returned, zero  
24 approval letters received, five objection letters  
25 received, and one of these letters was read into

1 the record on 9/15/15.

2 Letter Number 1 dated November 10th,  
3 2015, City of Novi Zoning Board of Appeals,  
4 45175 West Ten Mile Road, Novi, Michigan 48375.

5 Dear Zoning Board of Appeals, as a neighbor to  
6 the property in question, regarding Stanaj,  
7 Case Number PZPZ15-0010. I would like to  
8 petition the board not to grant a variance. I  
9 currently reside at 22335 Waterland Drive, the  
10 parcel to the south and west of the parcel  
11 seeking a variance.

12 My position may appear to be bias, but  
13 my objections are based on the intent of the  
14 ordinance and based on objection criteria stated  
15 for elements of unnecessary hardship and  
16 practical difficulty. Please see below for  
17 reasons not granting the variance.

18 The first one, the spirit of the  
19 ordinance is not observed for RA zoning. The RA  
20 residential acreage district is intentionally the  
21 most spacial residential zoning district  
22 described as intended to provide areas within the  
23 community for a particular living environment  
24 characterized by a large lot, low density single  
25 family dwellings.

1           The dwelling unit density of RA is  
2           intended to be a 0.8 units per acre or there  
3           should be 1.25 acres per each dwelling unit  
4           within a given RA district. The parcel is  
5           contributing less than one-third of an acre for  
6           the dwelling unit and creating an undesired and  
7           uncomfortable density at the end of the Waterland  
8           Drive cul-de-sac and an uncomfortable proximity  
9           to Nine Mile Road.

10           The proposed proximity to the existing  
11           sidewalk and egressus interruption of the  
12           landscape easement further exacerbates the change  
13           in character. It creates a clear and unwelcome  
14           change to the consistency of the landscape  
15           easement that runs 900 feet along Nine Mile Road  
16           nearly 1200 feet along Napier Road. It  
17           terminates at wetlands.

18           The variance will not provide  
19           substantial justice to the surrounding property  
20           owners. Every property owner within the area is  
21           in comfortable compliance with the ordinance  
22           requirements. This is a single outlier property  
23           owner that is seeking a benefit of not including  
24           their property at the creation of the  
25           subdivision. It is now seeking an exemption for

1 their own self-created problem at the expense of  
2 those who purchased the lots within the  
3 guidelines for the RA district.

4 Another point, further to the point of  
5 justice, there will be two mature trees, maple  
6 and birch respectively, that have resided at  
7 adjoining properties of neighbors and would be in  
8 danger of being killed by construction of the  
9 residence with the drippings of these trees due  
10 to lack of room for construction staging and the  
11 enormous compromising 50 foot rear yard setback,  
12 is almost certain that these two trees would be  
13 casualties to construction disturbances and  
14 foundation impact to the root structure. See  
15 attached imagery.

16 The next point, property values will  
17 most assuredly be diminished with the surrounding  
18 area for the reasons listed, particularly for the  
19 residents with closer proximity to the end of the  
20 cul-de-sac. Thank you in advance for your  
21 consideration for the residents who stand in  
22 objection. Sincerely, Michael Guthrie,  
23 M-i-c-h-a-e-l Guthrie.

24 Letter Number 2: Novi City ZBA with  
25 regard to PZ15-0010. My name is Michael Milligan

1 and I live at 22330 Waterland Drive with my wife  
2 and two children. I attended the previous two  
3 meetings regarding this case, but I'm unable to  
4 attend tonight's meeting due to out-of-state work  
5 obligations. Please give my written objections  
6 the same weight as if I were testifying live.

7 We have lived at our residence for  
8 nearly ten years and consider it home countless  
9 ways. It is located in the cul-de-sac where the  
10 subject property is likewise located. Every home  
11 in Park Place subdivision site on the last one  
12 acre of land and particularly fronts on the  
13 street. It is based between structures of like  
14 kind and quality together with lot size was a  
15 paramount factor in our decision to live in the  
16 Park Place.

17 I've looked at the plans offered by  
18 Mr. Stanaj and object to his request variances  
19 for the following reasons: Number 1, Mr. Stanaj  
20 has made it clear that he does not intend to live  
21 on the property, but simply wishes for variances  
22 thereby making it sellable. Number 2, the back  
23 of the proposed house fronts on the street unlike  
24 all other homes. It is simply out of place.

25 Number 3, it contains an above grade

1 deck that will protrude to close to the street  
2 and is simply out of place. Number 4, the house  
3 is much smaller than existing homes and will  
4 certainly have an adverse affect on the  
5 surrounding properties' values.

6 As an applicant for the variances, it  
7 is encumbant upon Mr. Stanaj to convince the  
8 board that this proposed structure will not upset  
9 the continuing and the flow of the existing  
10 structures. He has failed to be so convincing.  
11 Number 5, attached to this letter is the Novi  
12 variance standards form which Mr. Stanaj has  
13 never completed.

14 He has failed to answer in satisfactory  
15 manner most of the questions, but especially the  
16 Question Number 5 asking about the adverse impact  
17 on the surrounding area. It is blank.

18 Interestingly he likewise failed to answer Member  
19 Ibe's question at September 15th's hearing how he  
20 would feel if he was in the position of the  
21 neighbors in the face of such an outlandish  
22 variance request.

23 This request has caused me and my  
24 neighbors undue anguish, and we are requesting  
25 the variance be denied for the reasons stated

1 above as well as those others at the various  
2 meetings. Mike Milligan, M-i-k-e  
3 M-i-l-l-i-g-a-n.

4 Number 3: ZBA, November 9th. I wrote  
5 to object to the property Mr. Stanaj wants to  
6 build on located Waterland Drive. My name is  
7 David Moore, and my address is 51092 Sunday  
8 Drive. I was one of the first houses constructed  
9 in the subdivision when all the homes had one  
10 acre lot size. The house being proposed backs up  
11 to the road and will not fit in well and will  
12 upset the property values. Please do not give  
13 the variance. David Moore, D-a-v-i-d M-o-o-r-e.

14 Number 4, November 5th, 2015.  
15 Reference Stanaj. Jeffrey and Debra Bry, B-r-y,  
16 22232 Hillside Court, Northville, Michigan 48167,  
17 Park Place Estates. To whom it may concern, I'm  
18 writing to the object to the building of Stanaj  
19 home on a slice of land bordering our  
20 neighborhood.

21 I understand the property is not  
22 technically part of our subdivision, but it still  
23 must meet continuity of the existing homes. It  
24 clearly states in our neighbor rules that the  
25 home must be a certain size and built on one

1 acre. This is clearly not the case with this  
2 home. I feel that this will hurt the value of  
3 the homes for all of us that follow the bylaws.

4 Thank you for your consideration.  
5 Sincerely, Jeff Bry, B-r-y.

6 And letter Number 5 was read on the  
7 9/15/15 meeting. I don't think I need to reread  
8 that.

9 MS. SAARELA: No.

10 CHAIRPERSON GRONACHAN: Thank you.

11 Now, is there anyone in the audience  
12 that wishes to address the board with anything  
13 additional?

14 As you come up to the podium, please  
15 state your name, spell it for our secretary, and  
16 then proceed with your comment.

17 MS. REED: Natalie, N-a-t-a-l-i-e, Reed  
18 R-e-e-d.

19 So I come to you today, I believe I  
20 wrote that fifth letter, Natalie Reed. I'm a  
21 real estate broker. I personally represented  
22 buyers and sellers in over 350 properties. In  
23 addition to that, I'm the principal real estate  
24 broker of the Keller Williams Franchise, and I  
25 oversee on average 250 sales per month in our

1 office. So I have very extensive experience when  
2 it comes to working with buyers and sellers and  
3 the perceived value of properties.

4 I can tell you from the aspect of  
5 selling a property and making it marketable, one  
6 of the most important things you can do is  
7 eliminate any negatives. So having anything that  
8 is not consistent with the rest of the  
9 development is crucial. And I believe there's an  
10 opportunity here to keep the neighbors whole and  
11 not disturb the value of the properties on  
12 Waterland Drive.

13 It's very clear when you drive down the  
14 street that the properties are all consistent  
15 with the homes front facing to the road. It  
16 would be almost obnoxious to see the rear part of  
17 a home, almost consistent with the front of the  
18 two properties that are adjacent to that vacant  
19 land.

20 I have also spoke with an appraiser.  
21 So it could be said that the true value of a  
22 property is based on the opinion of a buyer and a  
23 seller and what price they're willing to agree  
24 on. This appraiser is willing for -- willing to  
25 answer any questions. Unfortunately they

1           couldn't make it here today for obligations  
2           out-of-state as well.

3                       But there was no question in this  
4           appraiser's mind who has been appraising over 30  
5           years and is also a real estate salesperson that  
6           this property would negatively impact the appeal  
7           and marketability of the adjacent homes in this  
8           development. The fact that they're asking for a  
9           variance at all kind of answers the question.

10                      All of the neighbors absolutely, the  
11           Number 1 consideration in moving out to this  
12           property and all the lots in our sub is that they  
13           are a minimum one acre lot size. It is huge. I  
14           can tell you from a real estate perspective the  
15           fact that there is a minimum one acre lot size is  
16           a major advantage.

17                      In fact, if you go on the multi list  
18           and you search for acreage, it's extremely rare  
19           for a seller to even list the size of their  
20           parcel of property unless it's a minimum one  
21           acre. And there is no other development like  
22           ours in the area. So it is absolutely sought  
23           after that people would have the enjoyment of  
24           their space and not have another structure so  
25           close in proximity.

1                   So I plead with the council to not  
2                   allow this variance. I'm actually a neighbor on  
3                   the street as well, and I would out the front of  
4                   my window have to look at the backyard of a deck.  
5                   It's not appealing whatsoever. And if I were a  
6                   potential buyer for my house, I would not buy it  
7                   because I would be worried about having to resale  
8                   that property in the future. I would put my  
9                   money somewhere else.

10                   CHAIRPERSON GRONACHAN: Thank you.

11                   MS. REED: Thank you.

12                   CHAIRPERSON GRONACHAN: Come on down.  
13                   Go ahead.

14                   MS. SAARELA: If that letter is going  
15                   to be in the record, we need to have a copy for  
16                   the file.

17                   CHAIRPERSON GRONACHAN: You can give it  
18                   to me. Thank you.

19                   MR. TOLLEY: Good evening. My name is  
20                   Brad Tolley, B-r-a-d T-o-l-l-e-y. I live at  
21                   22250 Waterland Drive. I really would like to be  
22                   here to formally request that this action be  
23                   rejected as well. Living on the street -- I  
24                   don't have a lot to add other than the confirming  
25                   the fact that this is absolutely why we bought

1 this property and not another property --

2 I have lived here it will be 11 years  
3 in April. So this was -- this was a big deal for  
4 us. It will be kind of keystone right between  
5 two houses just from an apparent standpoint, let  
6 alone having the back facing to the rest of the  
7 subdivision.

8 I -- was a little confused looking  
9 through the plans. I wasn't able to make it to  
10 the last meeting in September. I read through  
11 the records. I saw the denotation to 2700 square  
12 feet. I was a little confused today on how that  
13 might be about 2250; and, then all of a sudden,  
14 it jumped back up to 2700. I'm guessing we might  
15 hear about some special bonus room on the third  
16 floor that might continue to go like that.

17 I don't -- there is no comparable to  
18 the subdivision right now. I just want to go on  
19 record starting that is my view as well. Thank  
20 you.

21 CHAIRPERSON GRONACHAN: Thank you.

22 Who's next? Come on down.

23 MR. LACK: My name is Joseph Lack,  
24 J-o-s-e-p-h L-a-c-k. I live at 51005 Sunday  
25 Drive. We were the first home in Sunday Drive.

1 We built our house 13 years ago for the sole  
2 factor of the uniqueness of the size of the lots.  
3 I can say -- I can attest to the value that we  
4 take personally in the size of the lot that we  
5 have and the surrounding homes as well.

6 I did not see in the plans -- I think  
7 the person we're talking about here had an  
8 opportunity to show us some detailed plans and  
9 some time to put those in front of you. And I  
10 only see floor plans. I don't see anything for  
11 elevations or anything like that that would prove  
12 that they would build a house that is in  
13 conjunction with the rest of the surrounding  
14 properties.

15 I can say if it was my house or if you  
16 put your shoes -- yourself in Mr. Ewing's shoes  
17 and somebody wanted to build a house that's going  
18 to be within 20, 25 feet of your house, or  
19 whatever it might be, compared to what you're  
20 used to living at in that neighborhood and having  
21 the space, that attractiveness there, you would  
22 probably not want this to move forward.

23 So I ask that you reject this request  
24 and I appreciate your time.

25 CHAIRPERSON GRONACHAN: Thank you.

1 MR. EWING: Mike Ewing, E-w-i-n-g.  
2 22350 Waterland. I have the property, of course,  
3 adjacent to the subject property. I was here in  
4 May and argued. Came back in September and  
5 argued. Now I'm here a third time and arguing.

6 The objections really are this, Folks  
7 We bought the property out there because it was  
8 residential acreage, and the benefit of that is  
9 spacing so that we don't have people 25 feet next  
10 to us or 60 feet or whatever it is. That's the  
11 intent of the ordinance. That's what the City of  
12 Novi passed, and that's why we bought it there.  
13 Okay?

14 So to come in here and tell you folks  
15 that put up a 2200 square foot doesn't offend the  
16 property values there in the face of 4,000 square  
17 foot homes is hilarious. It's hilarious. We  
18 bought there for spacing and for property.

19 That's the corner of my house. And  
20 that's the lot that they want to build on. Is  
21 that privacy, Folks Does that look like privacy  
22 to you? I hope not.

23 And I share in what Mr. Milligan wrote  
24 because at the last hearing, Member Ibe asked  
25 Mr. Stanaj a number of times if you were the

1 neighbors how would you feel about this, sir.  
2 How would you feel about this? How would you  
3 feel about someone coming in and building a 2200  
4 square foot in the face of these larger homes  
5 with a variance of 26 feet on each side? How  
6 would you feel about that?

7 And, you know what, you're all  
8 scratching your heads because he never answered  
9 the question. This is the third time we've been  
10 here. This is totally offensive with the request  
11 he's making.

12 Yes, I talked to Mr. George. He  
13 approached me, and I talked to him. And, yes, I  
14 was open-minded; and it's a compliment; and I  
15 thank you. But that in no way means I'm agreeing  
16 to what he wants to do. I absolutely object to  
17 it for the reasons I stated the last three times,  
18 for the reasons in the letters, and for the  
19 reasons that my neighbors said as well.

20 I want to know if 25 feet is space.  
21 That's what I want to know. That's the answer I  
22 want.

23 CHAIRPERSON GRONACHAN: Is there anyone  
24 else?

25 There's a gentleman from back. Come on

1 down.

2 MR. LONG: My name a Derrick Long. I  
3 live at 22315 Waterland Drive. I wasn't here at  
4 the last meeting. I just wanted to say that I  
5 don't feel that he should get a variance because  
6 there's too much negative impact on all our  
7 properties. That's basically it.

8 CHAIRPERSON GRONACHAN: Thank you.

9 MR. LONG: Thanks.

10 CHAIRPERSON GRONACHAN: Come on down.

11 MR. DWYER: My name is Joe Dwyer,  
12 D-w-y-e-r. I live at 51072 Sunday Drive. And  
13 Mr. Ewing showed me a copy of the plans that he  
14 picked up from Mr. Stanaj. One of the things  
15 that I would point out to you is one of the  
16 comments that we keep hearing is of like kind and  
17 quality.

18 And the houses that are in our  
19 subdivision are a minimum of 2700 square feet as  
20 a ranch. And I think it's 3,000, or 3200 as a  
21 colonial. And if you look at the outside plan  
22 that he's shown there, we're required to have  
23 brick all the way up the first story, all the way  
24 around; and I think if you look at the facade of  
25 his, it looks like it's probably vinyl sided.

1                   When you look at the back -- you know,  
2                   I know he's drawn the deck off the back. He's  
3                   drawn the deck off of a window. There's no wall  
4                   there showing anything. So it partly feels like  
5                   the plans that he's put together here for the  
6                   house were thrown together to get the variance  
7                   that he's requiring without even necessarily  
8                   looking at what he's proposing to build.

9                   And like Mr. Ewing, I can't imagine  
10                  having a house 25 feet -- the back of a house 25  
11                  feet off of the property line where I came in and  
12                  bought a premium piece of property that's a  
13                  minimum of one acre. And to me the house is not  
14                  of like kind and quality.

15                 And, again, Mr. Ibe, I would agree with  
16                 everybody here that the question has never been  
17                 answered; how would you feel if you were in our  
18                 shoes. And I think if he answers that honestly  
19                 if he were living in the house that Mr. Ewing is  
20                 living in and somebody came to propose that, he  
21                 couldn't in good conscious say that's great. Go  
22                 ahead with it. So I would ask that you reject  
23                 the request for variance on all those conditions  
24                 Thanks.

25                   CHAIRPERSON GRONACHAN: Thank you.

1 Is there anyone else that wishes to  
2 make comment?

3 Seeing none, I'm going to turn this  
4 over to the building department. Good evening.

5 MR. BOULARD: I have nothing to add.

6 CHAIRPERSON GRONACHAN: Okay. Thank  
7 you.

8 Board members?

9 MR. MONTVILLE: Madame Chairman, I have  
10 an initial question for the architect. Could you  
11 maybe go through the process or the thought  
12 process when you put together these plans on the  
13 consideration of keeping things consistent,  
14 whether from size or aesthetic perspective from  
15 the surrounding properties, not necessarily the  
16 home association because it's different lots, but  
17 from a sense of consistency?

18 CHAIRPERSON GRONACHAN: I'm sorry, did  
19 you hear the question from Member Montville?

20 MS. MICHALSKI-WALLACE: We did. The  
21 architect is not here.

22 CHAIRPERSON GRONACHAN: Okay. Is there  
23 someone that's with you that is prepared to  
24 answer this question?

25 MR. STANAJ: We got the -- really we

1 got the -- the drawing there. So it shows a  
2 drawing there. The house will be brick house.  
3 It will be quality workmanship. So I don't know  
4 what else to tell you. The size of the house is  
5 almost 2,800 square feet house which in the  
6 neighborhood I know some house houses are under  
7 2,000 square feet.

8 CHAIRPERSON GRONACHAN: Excuse me.  
9 Earlier in your earlier testimony, they said it  
10 was 2,075; that the first floor was 1,200 and  
11 that the second floor was a 1075. So what is the  
12 actual?

13 MR. STANAJ: It's a bonus room there on  
14 the second floor, also.

15 CHAIRPERSON GRONACHAN: So there's a  
16 bonus room?

17 MR. STANAJ: Yes.

18 CHAIRPERSON GRONACHAN: And how much  
19 square footage is that?

20 MR. STANAJ: I think 20 -- no, 40 -- I  
21 think 450 square feet. Something like that. I'm  
22 not sure exact number. About 450 square feet.

23 CHAIRPERSON GRONACHAN: Okay. So for  
24 the record, I would like the record to indicate  
25 that the square footage that was quoted by

1 your -- I apologize, I don't have her name.

2 Ma'am, would you come -- can you come  
3 to the podium, please?

4 MS. MICHALSKI-WALLACE: Yes.

5 CHAIRPERSON GRONACHAN: What is your  
6 name again? I'm sorry.

7 MS. MICHALSKI-WALLACE: Ginger.

8 CHAIRPERSON GRONACHAN: Ginger. So you  
9 testified that the square footage is 2,275. So  
10 can we get it on the record what the actual  
11 square footage of the house is? I think part of  
12 the frustration there is -- and the reason why  
13 this case has been tabled so much is we can't get  
14 any answers from the petitioner. Now, I have nine  
15 irate clients. I have a board that would like to  
16 help the petitioner and we can't do our job  
17 because we can't get the information. So is  
18 there someone in your group this evening that's  
19 is going to give accurate information for the  
20 final time? Is it 2,270 -- or 75 or is it 2800?  
21 Which is it?

22 MR. STANAJ: It's 2755 -- 2755.

23 CHAIRPERSON GRONACHAN: Okay. Thank  
24 you.

25 Now, can you address the concerns of

1 Member Montville on the like kind and quality  
2 that the residents in the abutting neighborhood  
3 have asked several times? How do you feel that  
4 this house is similar to their homes, and how are  
5 you going to make it that way?

6 MR. STANAJ: When I see -- you know,  
7 when the architect made the drawings, the house  
8 looked beautiful. So I wouldn't mind -- I would  
9 rather have somebody behind my house instead of a  
10 main road in my backyard.

11 CHAIRPERSON GRONACHAN: Okay.  
12 Member Montville, do you have any other  
13 questions?

14 MR. MONTVILLE: Not at this time.  
15 Thank you.

16 CHAIRPERSON GRONACHAN: Board members,  
17 do you have any other questions for the  
18 petitioner?

19 MR. GEORGE: And with regard to  
20 follow-up on his question --

21 CHAIRPERSON GRONACHAN: All right. Go  
22 ahead.

23 MR. GEORGE: I believe that you would  
24 like a little more information with regard to  
25 that. If the variance -- if the variance is

1 going to be conditioned on specific requirements  
2 that you feel have not been met with regard to  
3 the designs that have been provided, if you feel  
4 that there is some -- some talk of -- this is an  
5 all brick house. If you want to condition it and  
6 say it must be an all brick house, if you're  
7 talking about specific requirements that you feel  
8 has not been addressed in these plans, it can be  
9 conditioned on that.

10 My client wants and is desirous of  
11 having a house that is of like kind. He's not  
12 trying to make a house -- or build a house that  
13 is going to be subpar materials, workmanship, or  
14 quality.

15 So if there's -- if you feel it's  
16 necessary, if you feel there's some deficiency  
17 with regard to that issue, we're not opposed to  
18 having specific conditions be met in order for  
19 the variance to be granted. If you feel that  
20 there is a deficiency on these designs or any of  
21 the materials or quality that you're looking for.

22 CHAIRPERSON GRONACHAN: Mr. George,  
23 with all due respect, I just want the right  
24 answers.

25 MR. GEORGE: I agree.

1                   CHAIRPERSON GRONACHAN: I do not want  
2                   15 different versions of what's going on here.  
3                   We have been a very patient board. I have  
4                   asked -- and actually when you came in this  
5                   evening, I looked at the plans. I was grateful  
6                   that this petitioner addressed the concerns.

7                   But what I do not want is I do not want  
8                   inconsistent answers.

9                   MR. GEORGE: Okay. I --

10                  CHAIRPERSON GRONACHAN: And I'm going  
11                  to ask you and your petitioner and your client to  
12                  make sure that when this board addresses  
13                  questions to both of you, that we get solid  
14                  answers. That's what I would like. Okay?

15                  MR. GEORGE: Well, I can assure you  
16                  this: You ask me a question, I'm going to answer  
17                  that question to the best of my ability. I don't  
18                  believe I've answered any questions that have  
19                  been evasive or incomplete. If I have, please  
20                  follow-up. I will --

21                  CHAIRPERSON GRONACHAN: I will agree on  
22                  that, but I'm a little upset with your client  
23                  right now --

24                  MR. GEORGE: And I --

25                  CHAIRPERSON GRONACHAN: -- by giving

1 different figures.

2 MR. GEORGE: And I understand that.

3 And I think that the -- and I'll speak  
4 specifically to the figure issue. I think that  
5 in this case the bonus room was something that  
6 was not addressed, and maybe it wasn't clear with  
7 Ginger what she -- she prepared the survey. So  
8 she came up.

9 And, again, I apologize because the  
10 beginning of this meeting did not go the way it  
11 was supposed to because I was tardy. That's my  
12 fault. And so it sort of went the cart before  
13 the horse a little bit. But Ginger did the  
14 survey. Mr. Stanaj with his architect prepared  
15 these documents, prepared the designs with the  
16 intention that we meet some of the concerns that  
17 you've addressed in the past. Again --

18 THE FOREPERSON: Let's go back to the  
19 board at this point.

20 Are there any questions from the board  
21 members?

22 Member Ferrell?

23 MR. FERRELL: Madame Chair, I have a  
24 question for the residents. I don't really want  
25 you all to come up and speak. You don't have to,

1 but if there's one that wants to. What is it  
2 that would make you happy to accept him building  
3 this house?

4 What is it that's really -- I mean,  
5 obviously I understand your situation with your  
6 property right there. It's super close. But  
7 what would rectify that? What would make it  
8 better for you to accept him to build on that  
9 piece of property?

10 I guess I just -- I kind of want to get  
11 that feeling of what it is that you  
12 guys really -- what are you looking for? To not  
13 build at all and just walk away from it, lose the  
14 property; or is there something that you could  
15 come up with. Some kind of idea that maybe he  
16 could work with you guys on?

17 I mean, I don't know. I'm just kind of  
18 throwing that out there. If there is somebody  
19 that wants to come up and answer that, I'd be  
20 more happy to hear what they have to say.

21 MR. EWING: You know, I had that  
22 discussion with Mr. George. And I want a house  
23 that's like kind and quality that has the spacing  
24 that the other homes do. We want the benefit of  
25 our bargain. We want the benefit of our bargain

1 when we bought the property and we all had an  
2 acre.

3 And I don't want someone outside -- I  
4 don't care if it's a 9,000 square foot home. I  
5 don't want some house that close to my master  
6 bedroom and neither would you and neither would  
7 anyone in this room. That's what I want. It's  
8 his obligation to meet the standards put forth in  
9 the Novi ordinance.

10 MR. FERRELL: Okay. I'm not looking  
11 for like a speech on that. What is it that you  
12 would want specifically?

13 MR. EWING: I have said.

14 MR. FERRELL: Just not close to your  
15 property?

16 MR. EWING: I want a home that is in  
17 like kind and quality.

18 MR. FERRELL: Okay. He did -- he did  
19 say it is like kind and like quality.

20 MR. EWING: That picture he put up for  
21 you folks is nothing that's in the file.

22 MR. FERRELL: Okay.

23 MR. EWING: The print that we looked at  
24 that he submitted is vinyl. It's is nothing that  
25 was put in the file that was put up for you

1 folks. I've never seen that. I've looked at the  
2 file today. Okay? But the spacing, too, is very  
3 important to us.

4 And the home -- don't lose site of  
5 this, folks, the home faces -- all the homes  
6 there face the road. This home backs up to the  
7 road and -- and looks as you're driving down  
8 Waterland Drive, you see the back of the home;  
9 and all the other homes are facing the road.  
10 It's totally out of place. It's a piece of a  
11 puzzle that's missing.

12 MR. FERRELL: Okay. Thank you.

13 Would anybody else like to come up and  
14 share whatever they feel.

15 MS. REED: There is no question that a  
16 rear facing house on the street would look  
17 completely out of place. It is something we  
18 could never change. You couldn't even hide it  
19 with bushes or trees. It would be that obnoxious  
20 sitting in the front yards of the two adjacent  
21 properties.

22 I mean, a deck would be obtrusive. I'm  
23 just imagining a swing set sitting in the front  
24 yards of our houses. It's -- it's not consistent  
25 whatsoever. Unfortunately, for the owner of that

1 property, there is no use for that property where  
2 it's located within our development.

3 And I have one more other critical  
4 piece of information that I need to mention. I  
5 was actually the buyers agent for Mike and Tracy  
6 Ewing when they purchased that property. I am  
7 100 percent confident that they did their due  
8 diligence to research that piece of property.

9 As a real estate professional, I never  
10 go to the city on behalf of a client because if  
11 they don't get a correct answer that they want, I  
12 want them to hear it for themselves. They  
13 absolutely researched the use of that property  
14 prior to purchasing it, and they were told by the  
15 City that absolutely that was a nonbuildable lot.  
16 I am quite certain. And that needs to be noted.

17 MR. FERRELL: Thank you.

18 CHAIRPERSON GRONACHAN: Hang on one  
19 second. I would like to -- at this point, can I  
20 have the city attorney address the nonbuildable  
21 lot statement.

22 MS. SAARELA: Okay. At this point, we  
23 have looked into with the City assessor's office.  
24 The lot was created sometime it appears in the  
25 1970s. It was a buildable lot at that time.

1 It's been assessed as a buildable lot since then.  
2 So the presumption was the lot was split from  
3 whatever parcel it was adjacent to, and the  
4 assessor couldn't tell that at that time it was  
5 an appropriate size lot when the zoning residence  
6 laws was created.

7 Later on it's likely that is when the  
8 zoning changed after that to make that minimum  
9 lots larger. So at the time it was created, it  
10 was a buildable lot. Based on the way it's been  
11 taxed since it was created, it's been taxed as a  
12 buildable lot.

13 CHAIRPERSON GRONACHAN: Thank you.

14 Okay. Go ahead.

15 MR. IBE: Excuse me, before you  
16 continue, I would like to follow-up to that.

17 How will the owners of that property  
18 know that that lot is no longer buildable? Did  
19 someone notify them, or how will they know that?

20 MS. SAARELA: It's not that it's no  
21 longer buildable. It was buildable. So it's an  
22 existing nonconforming lot.

23 MR. IBE: Yeah, but when it was  
24 split -- when the lot was split at some point the  
25 lot was split is that what I just heard you say?

1 MS. SAARELA: It was split, yes. But  
2 whether -- at some time the law was created.  
3 Whether it was split or not, that's not clear --  
4 or where which property that came with it, the  
5 assessor couldn't tell that from the records.

6 I'm not sure I understand what's your  
7 question.

8 MR. IBE: Yeah, because the minimum  
9 standard that we're talking about here is that  
10 the one acre lot. Is that what --

11 MS. SAARELA: Yes.

12 MR. IBE: -- we're talking about? At  
13 the time when this -- in the 1970s when this lot  
14 initially was buildable when it was assessed as  
15 buildable, there was no minimum one acre lot  
16 required at that time; is that correct?

17 MS. SAARELA: That's the assumption  
18 because it was taxed a buildable lot since after  
19 it was created, yes.

20 MR. IBE: But after the one minimum  
21 acre lot requirement was imposed, with the split,  
22 does that still make this property buildable? Is  
23 that the standard of the one minimum acre?

24 MS. SAARELA: It's still considered a  
25 buildable lot. But, correct, there's a zoning

1 ordinance provision that addresses existing  
2 buildable lots.

3 MR. IBE: Okay.

4 MS. SAARELA: A lot that is existing is  
5 presumably buildable subject to getting a  
6 variance if necessary to fit within the lot  
7 zoning requirements.

8 MR. IBE: That lots sits alone by  
9 itself, not -- not a part of the subdivision as  
10 we understand; is that correct?

11 MS. SAARELA: That is not part of the  
12 subdivision; that is correct?

13 MR. IBE: Okay. Very well. Thank you.  
14 You may go ahead.

15 MR. EWING: My only point was that I  
16 want to address is this is the third time we've  
17 been here. But it was very clear that Mr. Stanaj  
18 to answer these very specific questions was to  
19 appear with an architect tonight. That was the  
20 direction from the board, and that's what the  
21 minutes say. There's no architect here.

22 CHAIRPERSON GRONACHAN: Okay. Thank  
23 you.

24 I've been advised by our stenographer  
25 that she needs to take a five-minute break. Due

1 to technical issues here. So it is 8:03. We  
2 will come back at 8:08. Everybody stretch their  
3 legs and we will be back in five minutes. I'm  
4 sorry for the delay, but we had to call it.

5 (Recess taken.)

6 CHAIRPERSON GRONACHAN: I'd like to  
7 call the meeting back to order, please. And  
8 where we were we just had one of the neighbors  
9 make the last comment, so I'm going to turn it  
10 back over to the board.

11 Board members, do you have any further  
12 questions for the petitioner or the attorneys?

13 MR. MONTVILLE: I have a quick question  
14 for the City attorney. When the applicant  
15 purchased the property, can you confirm at that  
16 time it was a buildable property?

17 MS. SAARELA: At the time he purchased  
18 it -- we can't tell exactly. There's no easy way  
19 for us to look up or compare when that zoning  
20 went into effect in comparison to the time that  
21 he purchased that. So, no, I can't say whether  
22 it was before or after the zoning ordinance  
23 changed.

24 It was probably -- it was around the  
25 time that that subdivision was created. So that

1 was -- it probably had already changed at that  
2 time. So -- so the likelihood is that that  
3 zoning was already created at the time that it  
4 changed hands, but can I guarantee it  
5 100 percent? No. We could not find any  
6 information.

7 MR. GEORGE: I think I can try to help  
8 with that information.

9 CHAIRPERSON GRONACHAN: Hang on --

10 MR. GEORGE: Oh, I'm sorry.

11 CHAIRPERSON GRONACHAN: -- if you don't  
12 mind.

13 Does anybody else have any other  
14 questions?

15 MR. IBE: I do.

16 CHAIRPERSON GRONACHAN: Okay.

17 Member Ibe.

18 MR. IBE: Thanks, Madame Chair. I  
19 think that both sides for and against have  
20 presented their arguments eloquently this  
21 evening, and I think the petitioner has laid  
22 grounds for why they think that the petition  
23 should -- the petition should be granted.

24 I think that counsel for the applicant,  
25 Mr. George, has done a fantastic job with the

1 initial prongs that are required to -- to grant;  
2 and that being that whether or not the property  
3 is unique. Well, we can't argue that. Is it  
4 self-created? Well, we talked about a split  
5 issue which, of course, tells us a little bit  
6 about what is going on in here, but it doesn't  
7 quite provide a picture in light of what the City  
8 has responded to and then whether or not the  
9 street compliance is required.

10 Having said that, the only aspect of  
11 the criteria, of the elements that the  
12 petitioner -- I don't believe and I'm still  
13 grappling with is the last prong; that being,  
14 whether or not the -- whether or not the variance  
15 will cause an impact on surrounding property. I  
16 think that's going to be the sole issue right now  
17 available, and I think everyone can agree that.  
18 We should -- we should just stop splitting hairs  
19 about whether is buildable, whether is not. That  
20 seem to be the main issue here.

21 The petitioner has said, well, this is  
22 the house I want to build. This is what it looks  
23 like, and we all have seen what he want to build.  
24 And the property owners at Park Place have also  
25 told us about the unique and big reason why they

1 all bought lots here and that being the one-acre  
2 lots. And that there's a benefit. And the  
3 intended benefit is privacy and spacing. That's  
4 the reason why they bought lots there.

5 Personally, I live in a home that's --  
6 a subdivision where the homes are about 4,000  
7 plus square foot. I would suddenly find it very  
8 funny if I see something that is less than close  
9 to what I have in front of my home or next to my  
10 house. I think that would be an insult  
11 considering that I paid premium values so I can  
12 have, no offense to the small house, put next to  
13 my home. I certainly understand the anger that  
14 the property owners are talking about here.

15 Now, if the petitioner can truly  
16 convince me and tell me exactly how the size of  
17 the lot is not relevant, then you can help me to  
18 understand this case a little bit better because  
19 I'm still not clearly grasping this whole thing.  
20 The size of the lot is an issue for the objectors  
21 in this room tonight, one acre lot.

22 If your lot is less than that, they  
23 don't care about (inaudible) the size of the home  
24 you put up there. But how is that going to  
25 really conform with what they have. We've heard

1 from experts on both sides, they real estate  
2 person that sold the home to the neighbor and  
3 your expert. Both have impressive resumes.

4 And, of course, I know in this day and  
5 age, cause I an attorney, you can get all the  
6 experts you want if you pay the fees. But I  
7 don't want someone to tell me like a four-year  
8 old because I don't think I'm a four-year old.  
9 I'm a very smart, intelligent attorney for that  
10 matter who understands that a one acre lot means  
11 something.

12 So if the petitioner wishes to address  
13 that issue, I will appreciate it. Tell me how  
14 size of the lot is not an issue in this case  
15 because it's something that I -- I'm still trying  
16 to wrestle with because that seems to be what the  
17 concern is. An adverse impact is very important  
18 regardless of the fact that you've met all the  
19 all the other elements, but you have not  
20 satisfied this element for me.

21 MR. GEORGE: I'm going have Mr. Raftary  
22 address that.

23 MR. IBE: Very well, and thank you,  
24 sir.

25 MR. RAFTARY: I'm trying to address

1           it. Now, the petitioner's lot is not going to  
2           affect the lot sizes of anybody else's. They're  
3           still going to have their one-acre lots. It's  
4           not going to affect the value of their properties  
5           as I appraise properties. And I appraise  
6           properties up to 20,000 square feet, you know.  
7           There's not a lot of properties that size.

8                         The neighbor's properties does not  
9           affect the value of that 20,000 square foot home,  
10          even though they're smaller and you could see  
11          them from their houses. But they're not  
12          diminishing the size of the house or the size of  
13          the lot of any of the neighborhoods. They still  
14          have one-acre lots. They still have their large  
15          homes. How does that house diminish the value  
16          that is not taking away anything from it?

17                        Now, they might not like a smaller  
18          house in the neighborhood; but if it's a  
19          buildable lot and you can build a house on it --  
20          I -- I have never seen it in 45 years -- and I  
21          have been a real estate broker since 1975, I  
22          believe, I've had a broker's license. And I am  
23          very active.

24                        I -- I am, you know, very active in the  
25          appraisal of real estate and determining

1 valuation arguments for the City of Detroit and  
2 the turnaround team and part of the -- one of the  
3 facilitators in appraising the City of Detroit  
4 and many other mass appraisal jobs. And I do a  
5 lot of appraisal work in Novi.

6 But as I look at a piece of property,  
7 you know, I look at the surrounding area. Like I  
8 said, if there's a Chicken Coop there or a  
9 7-Eleven in the back yard, yes that would affect  
10 the value. But you see the back of some other  
11 homes in this neighborhood. If you drive down  
12 the street you can see the backs of some other  
13 homes over there. It doesn't affect the value.

14 I would like to know any theory or  
15 anything that says that a smaller home will  
16 affect the value of that larger home there or  
17 that lot. It's not diminishing the size of that  
18 home or the size of that lot. I don't know any  
19 other way of addressing it.

20 CHAIRPERSON GRONACHAN: Okay. Thank  
21 you.

22 MR. IBE: Sir, I have a follow-up  
23 question.

24 Is it your opinion as an expert that  
25 the proposed property at the rear facing the

1 road, that that would not affect the value of the  
2 properties in the area? Is that your conclusion?

3 MR. RAFTARY: Well, the subject  
4 property is going to face Nine Mile, right?  
5 Okay? Right?

6 CHAIRPERSON GRONACHAN: Correct.

7 MR. IBE: That's correct. But the rear  
8 of subject property -- is that correct, is that  
9 what we're talking about?

10 MR. RAFTARY: Well, the rear is going  
11 to -- all of the rears of those properties face  
12 the street, don't they? Right now the -- the  
13 properties in that subdivision, the backyards  
14 face Nine Mile or Napier Road, you know. So it's  
15 not okay that the petitioner's property, the  
16 backyard looks into another backyard or looks  
17 through two houses to see a road? Is that what  
18 you're asking?

19 I mean, the front of the house isn't  
20 going to face Water -- the street. The front of  
21 the house is going to face Nine Mile. The back  
22 of the house has to face something.

23 MR. IBE: The neighbor's -- the  
24 neighbor's house that -- the one that's more  
25 affect -- the one that would be more effected,

1 Mr. Ewing, where -- where -- what side of the  
2 street does the front of the house face? Is it  
3 Nine Mile or Watermain, whatever, Street?

4 MR. RAFTARY: Which house?

5 CHAIRPERSON GRONACHAN: His faces Nine  
6 --

7 MR. IBE: Mr. Ewing's.

8 MR. RAFTARY: Mr. Ewing's house?

9 MR. IBE: Yeah, the front of his house.  
10 Does it face the same way as your client's house,  
11 the front of his house?

12 MR. RAFTARY: No. It faces Nine Mile.  
13 The front of --

14 MR. GEORGE: No. he's talking about  
15 these two houses face each other. Mr. Ewing's  
16 faces the cul-de-sac.

17 MR. RAFTARY: Oh, yeah. It faces the  
18 cul-de-sac. The back of his house faces  
19 Nine Mile.

20 MR. IBE: And the back of your client's  
21 house faces?

22 MR. RAFTARY: Will face the back of  
23 Mr. Ewing's house. And you can see it from the  
24 street, I'm sure. I mean, you can see the backs  
25 of houses from -- from most streets besides the

1 front if you look through the backyards.

2 MR. GEORGE: Excuse me. This is  
3 Mr. Ewing's house.

4 MR. IBE: I have not got questions for  
5 you. Thank you so much.

6 MR. RAFTARY: Okay.

7 CHAIRPERSON GRONACHAN: Member Byrwa.

8 MR. BYRWA: Yeah. I have a quick  
9 question for the petitioner there.

10 When the lot was purchased, was the  
11 houses -- neighboring houses existing, or you  
12 purchased it; and it was a completely like a big  
13 field and no development when you purchased the  
14 property?

15 MR. STANAJ: To be honest with you, the  
16 land bought somebody else before me. Like when I  
17 bought it, was just one lot was separate lot.

18 MR. BYRWA: Yeah. But was the  
19 neighbors already there? Was it already  
20 developed?

21 MR. STANAJ: No, no. Was not  
22 developed. It was vacant. Vacant.

23 MR. BYRWA: Okay. Everything was  
24 vacant.

25 MR. STANAJ: Yes.

1 MR. BYRWA: It was a big field out  
2 there?

3 MR. STANAJ: Yes, yes.

4 MR. BYRWA: Okay. Thank you.

5 CHAIRPERSON GRONACHAN: Anyone else?

6 I -- I have a couple of things to say  
7 and I want them on the record. This has been one  
8 of the most difficult cases that I've had in all  
9 of the years that I've served on the zoning board  
10 of appeals.

11 I understand residents and commitment  
12 to your home and values and property. I also  
13 understand that part of the neighborhood because  
14 I lived there for 25 years. I lived on a 60 acre  
15 farm and there weren't any houses in my yard, in  
16 my backyard, my side yard.

17 And 25 years ago I was driving my  
18 manure spreader on a Sunday morning, and one of  
19 the new people that built a 4,000 square foot  
20 house called the police on me because I was  
21 spreading manure on my pasture on a Sunday  
22 morning. So to say that I feel your pain and  
23 understand your frustration, I hope you  
24 understand that I'm sincere about it.

25 But when you're sitting at this table

1 and we do our homework and we look at the  
2 regulations -- and I said this in the previous  
3 meeting and that's why discussed about buildable,  
4 nonbuildable lots. This lot is buildable.  
5 Everybody says, Well, if you were in Mr. Ewing's  
6 shoes. Well, how about if I went out and I  
7 bought a lot and it didn't conform, and now I  
8 want to build on it.

9 What am I supposed to do? Are we  
10 supposed to tell every nonconforming lot in Novi  
11 that you can't build? You can't as a City.  
12 That's why they have the zoning board, and you  
13 listen to the neighbors and you listen to the  
14 petitioner who I have to say thank god he brought  
15 his attorney and he finally did his homework  
16 because that's what dragged out this case so  
17 much. I was not going to rule nor let the board  
18 rule on this case until we had facts. So I thank  
19 Mr. George for doing an excellent job and  
20 clearing the picture.

21 I have to support this case. And I'll  
22 tell you why. There's two minimum requests that  
23 he's asking for. He wants to build a home.  
24 And -- and I get the part about the final and the  
25 brick and all of that. And we will address that

1 as we make a motion if the rest of the board  
2 concurs with what I'm about to say.

3 When someone owns a piece of property  
4 in Novi, it's not the City of Novi to say, No,  
5 you can't do that. You can't cut that tree down.  
6 You can't put a driveway there. It's your  
7 property. Nobody came to you when you bought  
8 your one acre and said you can't do this. You  
9 went to the City. You followed the regulations,  
10 and those regulations were in tune for that lot  
11 size at that time.

12 Unfortunately, this piece of property  
13 fell through whatever cracks. It was not -- it's  
14 not going to be a one acre. It's never going to  
15 be a one acre. We can't make it an one acre.  
16 And because it's not an one acre, that's why we  
17 have the zoning board because there's  
18 nonconforming situations where people -- where  
19 residents come in and say I still want to do  
20 something with this lot.

21 Now, I've looked at the plans. There's  
22 two -- and we've never even discussed this. He's  
23 asking for a variance of 26 feet in the required  
24 front yard setback. Normally it would be 45  
25 square feet would be re -- 45 feet would be

1 required, and he's proposing a 19 foot setback.  
2 A variance of 26 feet in the required rear yard  
3 setback. 50 feet is required. I think those are  
4 minimum requirements.

5 I don't think that the petitioner did a  
6 very good job on his homework, and I'm going to  
7 say that again because he -- I feel like this  
8 board did more homework for him than did he. He  
9 was not very good on his explanations; and,  
10 again, that's where I thank his attorney,  
11 Mr. George.

12 Novi is going to change. It's been  
13 changing for the last 25, 30 years. And these  
14 kinds of things do happen. It is unfortunate.  
15 It's unfortunate that whoever told you that this  
16 lot is not buildable -- believe me and I can't go  
17 any further with it. I heard that phrase out  
18 there for all the years that I've lived.

19 But I know that those things are not  
20 true. And I'm crazy enough to go and do the  
21 research before somebody tells me something about  
22 a piece of property, especially on that side of  
23 town. You people came in. You bought your piece  
24 of property. You built your beautiful home.  
25 It's probably -- to you it's your mansion. I get

1           that.

2                       The fact that there's another house  
3 going to be 65 feet from Mr. Ewing's house, I  
4 can't stop that. That's why I'm going to -- I am  
5 going to support this request. I think it's a  
6 minimal request. I think that the petitioner and  
7 his attorney has indicated that this house will  
8 be as best that they can fit into the  
9 neighborhood that they can fit in.

10                      It's not -- and the reason why we asked  
11 for these plans is because last month, if you-all  
12 recall, it did looked like they ripped out a  
13 picture from Better Homes and Gardens and laid it  
14 out in front of us, and I wasn't happy with that.  
15 That's why I'm going three meetings. I'm sorry,  
16 if that was an inconvenience, but we need to do  
17 our homework. And I'm taking this very  
18 seriously.

19                      But at some point, we can't stop people  
20 who have nonconforming lots in Novi. We can't  
21 stop someone from saying, No, you can't do that  
22 to your property. I believe that it is an  
23 unfortunate situation. I believe that the  
24 petitioner and his attorney and his architects  
25 are going to work very diligently. At least I

1 hope, and I will put that in the motion, again if  
2 the board supports me on this, that the  
3 petitioner follow it, follow the requirements  
4 that we put into this tonight if he wants to  
5 build.

6 And other than that, I don't know what  
7 else to say how to stop it. The criteria is laid  
8 out before us. The answers have been read. I  
9 know you all want to say how is this going to  
10 lessen the value of your property. I don't  
11 believe it's going to.

12 I've lived in this area for a long  
13 time. Novi houses sell in five minutes if you  
14 can even get an appointment to go look at a  
15 house. I went last month, the house was sold  
16 before I drove up the driveway. This is Novi.

17 And to be honest with you, I can  
18 honestly for the love that I have for the City, I  
19 can't honestly say -- and I'm saying this as an  
20 individual, not as the chairman for the ZBA, but  
21 I would do anything to live on that -- on that  
22 side of the town. And if there was a house in my  
23 backyard, so be it because I would be grateful to  
24 have an one-acre lot because now they're cutting  
25 those down.

1                   One-acre lots are not even affordable  
2                   for some people in the area, and they're cutting  
3                   back more and more because they don't want the  
4                   upkeep. And they don't want the lawn. And they  
5                   don't -- we just had a case before us not too  
6                   long ago that they cut it down even smaller.

7                   If there was some way that I felt that  
8                   it was right to not -- to not allow this house to  
9                   being on this property, then three cases, three  
10                  meetings of looking at this case, I would have  
11                  come up to the conclusion. And in all honesty, I  
12                  can't in my whole heart as a ZBA member say, no,  
13                  I can't support this.

14                  The petitioner has done his homework.  
15                  It's a nonconforming lot. It's going to have  
16                  minimum impact on the neighborhood -- these are  
17                  my opinions. These are my criteria for the  
18                  reason for the variance. I don't feel that -- I  
19                  feel that the petitioner has established his  
20                  uniqueness.

21                  We've established when he purchased it  
22                  there weren't any houses built in the  
23                  neighborhood. I can see where the  
24                  misunderstanding would come. I agree that when  
25                  you first all came here, it sounded like there

1 was a lot of boasting; and we had to peel through  
2 all the fact and fiction. No, it's not a  
3 buildable lot. This guy said this. This person  
4 said that. We can't use all of that when we're  
5 making this decision.

6 So it is with somewhat of a heavy heart  
7 that I'm doing this because I have a group of  
8 families that are out there that want to stop one  
9 individual. But when it comes to it, I can't  
10 base it on emotion. I have to base it on rules  
11 and regulations when I sit in this chair as a ZBA  
12 member.

13 And I hope -- and the other thing that  
14 I want to state is that this house is not a part  
15 of your subdivision. It doesn't fall within your  
16 criteria. He doesn't have to put brick if he  
17 doesn't want to. Will we ask it? Yes,  
18 absolutely because we want it to conform to  
19 the -- we want it to be a nice looking house.  
20 But he doesn't have to follow your subdivision  
21 rules. He's not a part of it.

22 So despite all the hard work, despite  
23 all the hours that you -- that you the residents  
24 and Park Place have put in, I just want you to  
25 know what my decision will be for this when they

1 call the vote and why -- how I got there.

2 Is there anyone else that would like to  
3 make a comment, or would someone like to make a  
4 motion?

5 MR. MONTVILLE: Madame Chair, I'm  
6 prepared to make a motion at this time.

7 CHAIRPERSON GRONACHAN: City attorney.

8 MS. SAARELA: Before we start making a  
9 motion, as far as conditions, if you wanted to,  
10 you know, go ahead and condition it on a specific  
11 type of material in this case, it could be an  
12 appropriate condition as it relates to the  
13 surrounding variance request to the nearness. So  
14 if you, you know, want to condition it on building  
15 100 percent brick or whatever, that would be an  
16 appropriate condition.

17 Also the petitioner mentioned that  
18 there would be City water and sewer brought to  
19 this house to make it from -- did they say it was  
20 on Nine Mile?

21 CHAIRPERSON GRONACHAN: Nine and  
22 Napier.

23 MS. SAARELA: -- Nine and Napier. So  
24 if you wanted to condition that, you know,  
25 representation as being part of the conditions of

1 the approval, that would be appropriate  
2 (inaudible).

3 CHAIRPERSON GRONACHAN: Just for  
4 clarification, you're saying that we can  
5 condition that the City water and sewer is coming  
6 and is available --

7 MS SAARELA: Being --

8 CHAIRPERSON GRONACHAN: And --

9 MS. SAARELA: -- that --

10 CHAIRPERSON GRONACHAN: -- and --

11 MS. SAARELA: (inaudible) as a part of  
12 this proposal, that is correct.

13 CHAIRPERSON GRONACHAN: Okay. Thank  
14 you. Is there anything else you can shed light  
15 on?

16 MS. SAARELA: You know, when it says --  
17 as far as that if you have specific conditions  
18 that you believe will make it consistent with the  
19 surrounding neighborhood, those would be  
20 appropriate conditions.

21 CHAIRPERSON GRONACHAN: I have a  
22 question, and I'm afraid to ask this because it  
23 opens up a can of worms. But because we had  
24 opposition to the deck and it brings this house  
25 closer to those lots, can we not approve the

1 deck; or would that --

2 MS. SAARELA: Would the deck require  
3 another variance?

4 CHAIRPERSON GRONACHAN: -- because  
5 they --

6 MR. BOULARD: Uh --

7 CHAIRPERSON GRONACHAN: -- have a  
8 deck -- I'm sorry.

9 They have a deck on this initial  
10 drawing, and then it was in the other picture,  
11 but I didn't know where it was. But yet when we  
12 look at the plans on the house, the deck is not  
13 there. I don't see the deck in the plans unless  
14 somebody sees it and I'm missing it which is  
15 possible. But it's just my way of trying to  
16 maybe, perhaps, not make it so close to the  
17 other -- to Mr. Ewing's house.

18 MR. BOULARD: So I think -- correct me  
19 if I'm missing something, but the zoning  
20 ordinance specifies what the rear setback is and  
21 then it allows intrusion into that for a deck.

22 CHAIRPERSON GRONACHAN: Okay.

23 MR. BOULARD: That was not part of the  
24 request for additional extension into that. It  
25 might -- I actually didn't look at it, and I

1 don't believe there's necessarily a dimension on  
2 it. So I don't know if the deck would comply or  
3 not.

4 That would be something that if the  
5 board approved a certain rear setback, then we  
6 would have to see how the ordinance applies to  
7 that. I would think if you chose to grant that  
8 as a condition that there be no decks or no other  
9 structures in the rear yard, I would think that  
10 that would --

11 MS. SAARELA: That would probably be an  
12 appropriate condition. If you wanted to put, you  
13 know, just like a paver patio or something that's  
14 not doesn't appear to be part of the structure as  
15 far as use of the backyard, I think that would be  
16 an appropriate condition.

17 CHAIRPERSON GRONACHAN: So just for  
18 clarification for the record, on our drawing  
19 there indicates to be a deck of nine feet by 24  
20 feet. Is that not to be part of this then? Is  
21 that another piece of incorrect information?

22 MR. BOULARD: I guess -- I'm not sure  
23 it's an incorrect piece of information. It's not  
24 something that was part of -- part of the  
25 request. The request was for the rear setback.

1 Whether that deck would be allowed within the  
2 standards of the ordinance hasn't been addressed  
3 yet.

4 CHAIRPERSON GRONACHAN: Okay.

5 MR. BOULARD: However, it could be  
6 something that could be precluded with the  
7 condition.

8 CHAIRPERSON GRONACHAN: We'll take care  
9 of that tonight.

10 Okay. Thank you.

11 Did everybody get that?

12 Okay. Anyone else?

13 Who would like to jump in and make a  
14 motion?

15 MR. MONTVILLE: I'm prepared at this  
16 time, Madame Chair.

17 CHAIRPERSON GRONACHAN: Member  
18 Montville.

19 MR. MONTVILLE: I move that we grant  
20 the variances is Case PZ15-0010 sought by the  
21 applicant, Pjeter Stanaj, for two variances: The  
22 first a 26 foot variance request in the required  
23 front yard setback; and the second request, a  
24 setback a 26 foot variance request in the rear  
25 setback of the proposed lot.

1                   It has been established throughout the  
2 meeting and throughout the analysis of this case  
3 that this is, in deed, an unique and  
4 nonconforming lot currently zoned as a  
5 residential acreage. The uniqueness of the  
6 physical size of the lot is not self-created by  
7 the applicant. And in this particular instance,  
8 strict compliance of the ordinance would not  
9 allow the applicant to use the property as it is  
10 currently zoned and has been labeled as a  
11 developable property and is currently taxed as  
12 well.

13                   The applicant has established this is  
14 the minimum variance to develop a house and a  
15 home on his property. Without the variance  
16 request, again, the developable property would  
17 not be able to be developed; and a home would not  
18 be able to be built.

19                   The request for variance will not cause  
20 adverse impact on the surrounding property,  
21 property values, and the enjoyment of property in  
22 the neighborhood or the zoning district because  
23 the home will be noneffective on the lot sizes of  
24 the surrounding units. And at this time, I would  
25 move that we grant the two variances as

1 requested.

2 MS. SAARELA: Can I just suggest  
3 that.

4 CHAIRPERSON GRONACHAN: Yes.

5 MS. SAARELA: (Inaudible) that it's not  
6 self-created because the petitioner did not  
7 create the lot, nor did anyone in the same family  
8 or chain of ownership as the petitioner and was  
9 preexisting as purchased and that it's the  
10 uniqueness of the property is that the setbacks  
11 for the zone district would cause no house to be  
12 able to be built on the property because the  
13 setbacks overlap each other based on the current  
14 size of the zoning and that the appraiser  
15 established -- concluded that the construction of  
16 the house would not impact the value of the  
17 surrounding properties.

18 CHAIRPERSON GRONACHAN: Okay. It's  
19 been moved. Is there a second?

20 MS. SAARELA: Do you accept those  
21 changes?

22 MR. MONTVILLE: Yes.

23 CHAIRPERSON GRONACHAN: I'm sorry.  
24 It's been moved, and is there a second?

25 MR. FERRELL: Second.

1 CHAIRPERSON GRONACHAN: It's been moved  
2 and seconded. Is there any further discussion?

3 Yes?

4 MS. SAARELA: Are you adding  
5 conditions?

6 CHAIRPERSON GRONACHAN: Yes. I'm going  
7 to get to that. Thank you.

8 I would like to give a friendly  
9 amendment for the conditions. And the conditions  
10 would be that the house would be made of brick to  
11 conform to the nearby subdivision; that there  
12 would be no deck in the backyard. Instead a  
13 paver patio so not to add any elevation to the  
14 backyard and to give the -- to assist with the  
15 privacy that the neighbors have discussed; and  
16 also that the City water and sewer are available  
17 to this residence.

18 Am I wording that correctly?

19 MS. SAARELA: Be extended to the  
20 residence.

21 CHAIRPERSON GRONACHAN: Be extended to  
22 the residence.

23 MS. SAARELA: By the applicant or his  
24 successor.

25 CHAIRPERSON GRONACHAN: By the

1 applicant or his successor.

2 Would you accept that friendly  
3 amendment?

4 Yes.

5 MR. BOULARD: If I could suggest the  
6 language for the brick to, perhaps, clarify that  
7 the home would be 100 percent clad in brick.

8 CHAIRPERSON GRONACHAN: I'm sorry, say  
9 it again.

10 MR. BOULARD: That the home would be  
11 clad in brick.

12 CHAIRPERSON GRONACHAN: Brick --

13 MR. BOULARD: 100 percent clad in  
14 brick.

15 CHAIRPERSON GRONACHAN: 100 percent  
16 clad in brick.

17 MR. MONTVILLE: I can concur with those  
18 conditions.

19 THE FOREPERSON: Do we have anything  
20 else to add?

21 MR. FERRELL: I got a question for the  
22 City.

23 So us saying he can't have a deck, does  
24 that mean he permanently can't have a deck; or he  
25 has to repetition to get a variance for the deck?

1 How is that going to work because I don't feel  
2 comfortable just saying he can't have a deck.

3 MS. SAARELA: I guess the intent would  
4 be permanently not have a deck. But some other  
5 kind of patio that doesn't appear to be part of  
6 the structure, something that's not attached to  
7 the house would be permissible.

8 MR. FERRELL: So this wouldn't --

9 MR. BOULARD: Or raised.

10 MS. SAARELA: Or raised.

11 MR. FERRELL: Nothing raised?

12 MS. SAARELA: Right.

13 Mr. FERRELL: Okay. But if he tried to  
14 get a variance for that, is that something that  
15 he would be able to --

16 MS. SAARELA: No.

17 MR. FERRELL: So with this, eliminates  
18 a deck completely?

19 MS. SAARELA: Correct.

20 MR. FERRELL: Okay. Second.

21 MR. IBE: (Inaudible) accept the  
22 conditions?

23 CHAIRPERSON GRONACHAN: Hang on.

24 Is there anything else you can go ahead  
25 and put that on record.

1 MR. IBE: Yes. I've heard the motion,  
2 and I've heard the second as well as the  
3 conditions. But one thing I have not heard is  
4 that the applicant say they accepting the  
5 conditions that have been laid out.

6 MS. SAARELA: They don't have to accept  
7 the conditions. You can make whatever conditions  
8 you want. If they don't want to accept the  
9 conditions, then they're not accepting the  
10 variances.

11 MR. IBE: Well, perhaps they accept of  
12 this or none of it can sway these members one way  
13 or the other. So how am I to know what all you  
14 agree to something, you're going to vote for  
15 something not knowing whether or not it will  
16 affect the way I vote.

17 MS. SAARELA: Well, it's up to the  
18 Chair. If the Chair wants to ask them if they  
19 accept the conditions that's up to the Chair on  
20 procedure.

21 MR. IBE: Very well.

22 CHAIRPERSON GRONACHAN: Mr. George, you  
23 heard our motion. Do you feel that your client  
24 would accept those conditions based on that  
25 variance -- based on that motion?

1 MR. GEORGE: We were discussing it as  
2 you were proposing it. My client -- obviously,  
3 these are the first time -- this is the first  
4 time we've heard these conditions; but -- and as  
5 to my client, he is willing to accept those  
6 conditions --

7 CHAIRPERSON GRONACHAN: Okay.

8 MR. GEORGE: -- as they were  
9 proposed.

10 CHAIRPERSON GRONACHAN: Thank you.

11 Any further discussion?

12 Ms. Ramsay, would you please call the  
13 roll.

14 MS. RAMSAY: Member Ferrell?

15 MR. FERRELL: Yes.

16 MS. RAMSAY: Member Ibe?

17 Mr. IBE: No.

18 MS. RAMSAY: Member Byrwa?

19 MR. BYRWA: Yes.

20 MS. RAMSAY: Member Richart?

21 MR. RICHART: No.

22 MS. RAMSAY: Member Montville?

23 MR. MONTVILLE: Yes.

24 MS. RAMSAY: Chairperson Gronachan?

25 CHAIRPERSON GRONACHAN: Yes.

1 MS. RAMSAY: Motion passes four to two.

2 CHAIRPERSON GRONACHAN: Mr. Stanaj,  
3 your request for your variances have been  
4 granted. Congratulations.

5 MR. STANAJ: Thank you.

6 CHAIRPERSON GRONACHAN: And I hope that  
7 you make peace with the neighbors in  
8 Park Place.

9 MR. STANAJ: Thank you.

10 Mr. GEORGE: Thank you.

11 CHAIRPERSON GRONACHAN: Well, Members,  
12 at this time, I would like to call for another  
13 five-minute break. That was a long, long case.  
14 So let's everybody clear their head. I  
15 appreciate the two more petitioners that we have  
16 waiting for us. We'll make it quick, three  
17 minutes, five minutes; and then we'll be back.

18 (Recess taken.)

19 CHAIRPERSON GRONACHAN: At this time,  
20 I'd like to resume the meeting of the ZBA and  
21 continue with our next case, Case  
22 Number PZ15-0036, Ryan and Lindsay Szostek -- I'm  
23 so sorry.

24 MR. SZOSTEK: No, don't be sorry.

25 CHAIRPERSON GRONACHAN: -- at 1310 East

1 Lake Drive, West of Novi Road and South of  
2 Fourteen Mile.

3 Would you please come on down.

4 Board members will remember that this  
5 is a continuation from last month where there was  
6 a change in the number of variances. And I think  
7 before I call on the petitioner, I may call on  
8 the building department to explain further.

9 Would that be okay?

10 MR. BOULARD: Okay. So as I understand  
11 one of the questions that came up last month was  
12 whether this home also required -- this proposal  
13 also required a variance for the number of  
14 floors. Immediately after the meeting, we spoke  
15 with the petitioner's architect. He didn't have  
16 that information immediately, and the deadline  
17 was there for -- was -- was approaching to do any  
18 notice that would allow us to keep this on the  
19 meeting.

20 So we went ahead and noticed for the  
21 additional variance just in case it was needed.  
22 So what you'll see on, even the staff report, is  
23 that it assumes, for lack of anything else, that  
24 the variance is required. The last -- there's  
25 the drawings that are -- the drawings that are --

1 are attached include some -- some additional  
2 information. They're kind of more detailed than  
3 what was there previously.

4 The last -- the last sheet -- the very  
5 last sheet includes the calculations that show  
6 that the lower floor is actually not a story  
7 above grade based on the definition in the zoning  
8 ordinance of whether the space between the top of  
9 the floor and the ceiling above is more than  
10 50 percent below -- below grade.

11 So those calculations show that.  
12 Therefore, the only variances that are required  
13 are the two that were initially requested. So  
14 it's a great, great question. We got the -- we  
15 got the answer. We're covered if we needed it,  
16 but we don't need it.

17 So I'd be happy to answer any questions  
18 other than that.

19 CHAIRPERSON GRONACHAN: Thank you. I  
20 thought it would be easier for him to explain it.  
21 Turn it over to the expert than for you.

22 MR. SZOSTEK: I may have done just as  
23 well.

24 CHAIRPERSON GRONACHAN: I know. And  
25 probably have.

1 Well, good evening. And would you  
2 please state your name for our secretary.

3 MR. SZOSTEK: Sure. Hi. My name is  
4 Ryan Szostek, R-y-a-n S-z-o-s-t-e-k.

5 CHAIRPERSON GRONACHAN: I will remind  
6 you that you were sworn in and you're still under  
7 oath at this time. And if there's anything  
8 additional that you would like to add from last  
9 month's testimony, then you can.

10 MR. SZOSTEK: In the interest of  
11 brevity, I have nothing else in excess of what we  
12 talked about last time.

13 CHAIRPERSON GRONACHAN: Okay.

14 MR. SZOSTEK: Unless you have  
15 questions.

16 CHAIRPERSON GRONACHAN: Thank you.

17 Building department has offered their  
18 information. Is there anyone in the audience  
19 that wishes to make comment on this case?

20 Seeing that there's no one running to  
21 the front, we will look at the mailings and turn  
22 it over to the secretary.

23 MR. FERRELL: Thank you, Madame Chair.

24 There's 26 letters sent, five letters  
25 returned, zero objections to the letters

1 received, one approval letter received which was  
2 read into the record on 10/13/15 meeting. It was  
3 a list of ten signatures with neighbor approval.

4 Ryan and Lindsay Szostek zoning  
5 variance memo. By signing below, the signor  
6 certifies they have been contacted by Lindsay and  
7 Ryan Szostek in reference to a proposed property  
8 variance for the below mentioned property.

9 As such the signers have no objection  
10 for the proposed variance, Case Number PZ15-0036  
11 issued by the Zoning Board of Appeals. Property  
12 address is 1310 East Lake Drive, Novi, Michigan  
13 48377.

14 The signor is fully aware that there is  
15 a zoning board meeting for this case on  
16 October 13th, 2015, at 7:00 p.m., and written  
17 objections must be submitted by October 13th  
18 before 3:00 p.m. to -- I can't really read the  
19 it's S-r-a-m-s-a-y at City of Novi dot org. I  
20 don't know if that's right -- that would be  
21 you -- or via fax at (248) 735-5600.

22 The first one is 1309 East Lake Drive,  
23 Kristen Bell, common spelling. 1314 East Lake  
24 Drive, Patricia Nessel, N-e-s-s-e-l. 1312 East  
25 Lake Drive Bruce Bryda, B-r-y-d-a. 1304 East

1 Lake Drive, Richard Titsworth, T-i-t-s-w-o-r-t-h.  
2 1300 East Lake Drive, Belinda Kubbe, K-u-b-b-e.  
3 1294 East Lake Drive, Carol Smith. 1313 East  
4 Lake Drive, David Rott, R-o-t-t. 1250 East Lake,  
5 Nicole Gabel, G-a-b-e-l. 1256 East Lake Drive,  
6 Joye, J-o-y-e, Harris, H-a-r-r-i-s. 1349 East  
7 Lake Drive, Brent Westbrook, W-e-s-t-b-r-o-o-k.  
8 That is it.

9 CHAIRPERSON GRONACHAN: Okay. Thank  
10 you.

11 And I'll turn it over to the board.  
12 Does anybody have anything to offer, or do we  
13 have a motion?

14 MR. IBE: We have a motion.

15 CHAIRPERSON GRONACHAN: Okay.

16 MR. IBE: Thank you.

17 Madame Chair in Case Number PZ15-0036  
18 Ryan and Lindsay Szostek 1310 East Lake Drive,  
19 Novi. I move that we grant the petitioners'  
20 request as requested for the following reasons  
21 that, one, that the petitioner has established  
22 that the difficulty with this particular parcel  
23 of property and that this property is unique in  
24 the sense that it is a nonconforming parcel and  
25 the physical conditions make it such that the

1 minimum variance is required here in order to  
2 avoid any kind of personal hardship to the  
3 applicant.

4 The need here is not self-created; and  
5 again, this is based on what we've known very  
6 well regarding this lake front property stats  
7 that come before us all the time. And,  
8 unfortunately, it is what it is. And even at --  
9 for the applicant or anyone else who lives in  
10 that part of Novi to do anything, a variance is  
11 most certainly required.

12 Strict compliance within the  
13 regulations of the zoning ordinance unreasonable  
14 prevents the applicant from doing what is the  
15 right thing. Meaning that putting up a home that  
16 is obviously -- that will conform to their taste  
17 as well as to the neighborhood as will also  
18 create a burdensome to them. The petitioner has  
19 established that the minimum variances requested  
20 is that which will do justice to allow them to do  
21 what needs to be done.

22 And, finally, granting the variance  
23 will not cause any adverse impact on the  
24 surrounding properties. And as we've stated in  
25 the past with any kind of lake front properties,

1 any kind of development that comes around or to  
2 improve the property only enhances the property  
3 values around them. And certainly this will not  
4 be different.

5 Therefore, based on the statement that  
6 was previously made at the last meeting by the  
7 applicant and what has been put forth today by  
8 the building department, I move that we grant the  
9 request as requested subject to Mr. Boulard's  
10 statement.

11 MR. BOULARD: In view of the fact that  
12 the current request includes additional height,  
13 would you like to delete the variance for the  
14 additional height of three stories?

15 MR. IBE: Okay. What was he saying?

16 CHAIRPERSON GRONACHAN: So he's saying  
17 that the third -- it was the third variance,  
18 correct?

19 MR. IBE: Right. It was the third  
20 variance.

21 CHAIRPERSON GRONACHAN: So we need to  
22 delete that in your motion.

23 MR. IBE: All right. I move that we  
24 delete the -- is it the portion of -- yes, the  
25 third variance, I assume, regarding the third

1 story of the building height?

2 MR. BOULARD: Yes.

3 CHAIRPERSON GRONACHAN: Since there is  
4 no third story.

5 MR. IBE: Since there is no third  
6 story. I -- I will adopt the statement as made  
7 by the building department to the motion.

8 MR. FERRELL: Second.

9 CHAIRPERSON GRONACHAN: It's been moved  
10 and seconded.

11 Is there any further discussion on the  
12 motion?

13 Ms. Ramsay, will you please call the  
14 roll.

15 MS. RAMSAY: Member Farrell?

16 MR. FERRELL: Yes.

17 MS. RAMSAY: Member Ibe?

18 MR. IBE: Yes.

19 MS. RAMSAY: Member Byrwa?

20 MR. BYRWA: Yes.

21 MS. RAMSAY: Member Richert?

22 MR. RICHERT: Yes.

23 MS. RAMSAY: Member Montville?

24 MR. MONTVILLE: Yes.

25 MS. RAMSAY: Chairperson Gronachan?

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CHAIRPERSON GRONACHAN: Yes.

MS. RAMSAY: Motion passes six to zero.

MR. SZOSTEK: Thank you.

MR. MONTVILLE: Congratulations.

CHAIRPERSON GRONACHAN:

Congratulations. Good luck.

MR. SZOSTEK: Appreciate it. I need it.

CHAIRPERSON GRONACHAN: Okay. That takes us to our last case, Case Number PZ15-0039 Oakland Flex Academy Image 360 on behalf of Oakland Tech Academy at 24245 Karim Boulevard, North of Ten Mile and West of Haggerty. Petitioner is requesting a variance for a single ground sign of 32 square -- I'm sorry, a 32 square foot monument sign.

Good evening, gentlemen. Could you please state your name; and if you're not an attorney, be sworn in by our secretary.

MR. PERRY: My name is James Perry, J-a-m-e-s P-e-r-r-y. I'm not an attorney.

MR. NAGEL: John Nagel, J-o-h-n N-a-g-e-l. I'm with Image 360.

Mr. FERRELL: Would both of you raise your right hand.

1 Do you swear to tell the truth in the  
2 testimony you're about to give?

3 MR. PERRY: Yes.

4 MR. NAGEL: Yes.

5 MR. FERRELL: Proceed then.

6 MR. PERRY: So we are asking for a sign  
7 variance. We have a building sign and understand  
8 that the ordinance says you can't have a building  
9 sign and a ground sign. But the building sign is  
10 very difficult to see on our building. There are  
11 some bushes and some trees on our property and  
12 the property next to our building that make it  
13 really difficult when you're coming down Ten Mile  
14 to identify our building. So we are asking if we  
15 can put a monument sign on Ten Mile to identify  
16 where the school is located at that building.

17 So we've heard from a lot of people  
18 that are coming to find us that they are having a  
19 hard time finding us. So lots of, you know,  
20 turnarounds and things like that to find us. And  
21 we also feel like it's -- you know, we would like  
22 to have more of a presence as far as our signage  
23 goes. So just community awareness to know where  
24 we are and that we actually exist. So those are  
25 kind of the main reasons.

1 CHAIRPERSON GRONACHAN: Okay. Anything  
2 else?

3 MR. NAGEL: Nope.

4 MR. PERRY: Nope.

5 CHAIRPERSON GRONACHAN: All right. Is  
6 there anyone in the audience -- clearly not -- to  
7 make any comments?

8 Correspondence?

9 MR. FERRELL: Yes, Madame Chair.  
10 There's 36 letters sent, zero letters returned,  
11 zero approval, zero objection letters received.

12 CHAIRPERSON GRONACHAN: Okay.

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

15 MR. BOULARD: Nothing to add. I'll  
16 standby for questions.

17 CHAIRPERSON GRONACHAN: Thank you.

18 Board members?

19 MR. RICHERT: Can you describe the type  
20 of sign that you would like to put up?

21 MR. PERRY: Sure. We've get a picture  
22 here, and I'll let John describe it.

23 MR. NAGEL: It's a synthetic structure  
24 like a stucco based product, the new version of  
25 the stucco. It will have dimensional letters.

1 We got eight foot wide, four foot tall, about a  
2 12 inch base. The colors of the background on  
3 the sign and the base will match the colors of  
4 the building. The letters themselves will be  
5 dimensional. Anywheres from a half inch to one  
6 inch of dimension.

7 MR. RICHERT: Lit?

8 MR. NAGEL: It will be unilluminated,  
9 internally illuminated. There may, as we get  
10 into landscape, be additional landscape lighting  
11 on it but it would be very low voltage up light.  
12 I do have some parking lot light that we're  
13 hoping will help drift down to the sign.

14 MR. RICHERT: Thank you.

15 MR. NAGEL: Uh-huh.

16 CHAIRPERSON GRONACHAN: Anyone else?

17 I have a question about Flex Tech. Can  
18 you tell me a little bit about your business and  
19 what type of people you have coming to your  
20 location --

21 MR. PERRY: Sure.

22 CHAIRPERSON GRONACHAN: -- and how they  
23 find you.

24 MR. PERRY: Okay. So we're a charter  
25 high school, ninth through 12th grade, and this

1 is our third year. There's about 110 students at  
2 the school, grades nine through 12; and they  
3 typically find us -- it's pretty much word of  
4 mouth, website, you know Google searches, that  
5 kind of thing. We do have open houses and  
6 community events, things like that.

7 And when someone -- you know, when I  
8 give directions or tell somebody, you know, where  
9 we're located or they put our address into, you  
10 know, Google maps or something, that's when we're  
11 hearing a lot that they're driving by the  
12 building and not seeing us.

13 CHAIRPERSON GRONACHAN: Have you  
14 contacted Google as to find out why Karim Drive  
15 isn't showing up on Google at all?

16 MR. PERRY: Well, so the address will  
17 show up, but they're -- they're having a hard  
18 time knowing what building is ours. So when they  
19 come in, you know, there's two office buildings  
20 that are identical as far as the shape and almost  
21 the color and stuff like that. But, yeah, those  
22 are a lot of the comments that we find.

23 THE FOREPERSON: So when the ground  
24 sign would not be lit for the evening -- do you  
25 have evening classes?

1 MR. PERRY: No.

2 CHAIRPERSON GRONACHAN: So your hours  
3 normally are?

4 MR. PERRY: 8:00 to 4:00.

5 CHAIRPERSON GRONACHAN: Okay. And  
6 then -- so I'm not familiar with this type of  
7 school. So if I call you and say my 12-year old  
8 needs to come see you, for whatever reason that  
9 you -- I would find your school advertised where?  
10 Through the school system? Through yellow pages?

11 MR. PERRY: Yeah. All of those. So  
12 we're in public school directory. I'm guessing  
13 anywhere schools would be registered, our school  
14 would be on that registration.

15 CHAIRPERSON GRONACHAN: I drove by  
16 there last Saturday, and oddly enough your sign  
17 jumped right out in front of me. Seriously, and  
18 it's the wrong time of year to apply for your  
19 sign because you can see your sign.

20 MR. PERRY: Yeah. There's no leaves on  
21 the trees and stuff like that.

22 CHAIRPERSON GRONACHAN: There's no  
23 leaves. So I struggle with this because, you  
24 know, sometimes with all this landscaping, I  
25 don't know what we're doing. When we do the

1 landscaping, it's for buffering and all the  
2 planting and all of that; and then we create this  
3 by not being able to see your building. I'm  
4 going to wait and see what my other board members  
5 have to offer at this point before I make any  
6 further comment. Thank you.

7 MR. MONTVILLE: A quick question.

8 CHAIRPERSON GRONACHAN: Member  
9 Montville.

10 MR. MONTVILLE: Madame Chair, a  
11 question for the applicant.

12 And I know a lot of these buildings --  
13 so you're a tenant, but your landlord has a sign  
14 for several of the tenants; albeit, smaller signs  
15 for each of the tenants. Have you reached out to  
16 your landlord?

17 MR. PERRY: So we're not a multi-tenant  
18 building. Is that what you're asking?

19 MR. MONTVILLE: Potentially. Why don't  
20 you shed some light on it.

21 MR. PERRY: We occupy the whole  
22 building. So we're the only tenant of the  
23 building.

24 MR. MONTVILLE: Okay. Thank you for  
25 that clarification.

1 CHAIRPERSON GRONACHAN: Anything else?

2 No?

3 Is there a motion?

4 MR. MONTVILLE: Madame Chair, I'm  
5 prepared to make a motion.

6 CHAIRPERSON GRONACHAN: Mr. Montville,  
7 go ahead.

8 MR. MONTVILLE: I move that we grant  
9 the variance request in Case PZ15-0039 sought by  
10 John Nagel with Image 360 on behalf of Oakland  
11 Flex Academy because the petitioner has shown  
12 practical difficulty due to the surrounding  
13 nature of the lot gaining proper visibility to  
14 the street and access to customers.

15 Without the variance, the petitioner  
16 will be unreasonably prevented or limited with  
17 respect to use of his property due to the lack of  
18 visibility that was there before the tenant  
19 occupied the building. The property is unique  
20 because of its lack of visibility to ongoing  
21 traffic going down Ten Mile Road in this  
22 particular instance; and for that same reason,  
23 the petitioner did not create the condition in  
24 question.

25 The relief granted will not

1 unreasonably interfere with adjacent or  
2 surrounding properties. It will be unilluminated  
3 during the evening, and it will be for better  
4 access of visibility during operating hours for  
5 the single tenant or occupant of that building.

6 I believe it's consistent with the  
7 spirit and intent of the ordinance due to the  
8 lack of visibility for the business and lack  
9 of -- excuse me, the increased missing of the  
10 customers of the tenant finding the building as  
11 they search for it. So I move that we grant  
12 variance for this petition.

13 MR. FERRELL: Second.

14 CHAIRPERSON GRONACHAN: It's been moved  
15 and seconded. Is there any further discussion?

16 Ms. Ramsay, would you please call the  
17 roll.

18 MS. RAMSAY: Member Ferrell?

19 MR. FERRELL: Yes.

20 MS. RAMSAY: Member Ibe?

21 MR. IBE: Yes.

22 MS. RAMSAY: Member Byrwa?

23 MR. BYRWA: Yes.

24 MS. RAMSAY: Member Richert?

25 MR. RICHERT: Yes.

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MS. RAMSAY: Member Montville?

MR. MONTVILLE: Yes.

MS. RAMSAY: Chairperson Gronachan?

CHAIRPERSON GRONACHAN: Yes.

MS. RAMSAY: Motion passes six to zero.

CHAIRPERSON GRONACHAN: Gentlemen,  
you're variance has been granted. Please visit  
the building department. I'm sure they will help  
you out.

MR. PERRY: Thank you.

MR. NAGEL: Thank you.

CHAIRPERSON GRONACHAN: And that  
concludes this evening's meeting.

Are there any other matters for  
discussion this evening?

Only thing I would like to -- if  
there's anybody still watching, which I don't  
know; but I would like to wish every veteran out  
there a very happen Veterans Day and thank all  
those who served. Tomorrow is a very special  
day, and the City of Novi will be closed, but the  
rest of us will be paying tribute to those who  
served and helped save our country.

And with that, is there a motion to  
adjourn?

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MR. IBE: I move that we adjourn.

CHAIRPERSON GRONACHAN: All those in favor?

COLLECTIVE BOARD: Aye.

CHAIRPERSON GRONACHAN: Meeting is therefore adjourned.

(Meeting was adjourned at 10:00 p.m.)

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CERTIFICATE OF NOTARY

I, Patricia J. Hankerd, certify that the above proceeding was taken before me on the date hereinbefore set forth; and that the foregoing proceedings were recorded by me stenographically; that said transcription is a true and accurate transcript of the proceedings had and testimony taken.

I further certify that I am not related to, nor counsel to, any of the parties involved in the above proceedings, nor do I hold any interest in said cases.

\_\_\_\_\_  
Patricia J. Hankerd, CSR 5430

My Commission Expires:  
December 27, 2016