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ZONING BOARD OF APPEALS
CITY OF NOVI
COMMUNITY DEVELOPMENT DEPARTMENT

IN RE:
CITY OF NOVI ZONING BOARD OF APPEALS
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The Zoning Board of Appeals Meeting
Taken at 45175 West Ten Mile Road
Novi, Michigan
Commencing at 7:00 p.m.
Tuesday, October 13, 2015
Before Suzanne M. Green, CSR-3887

CHAIRPERSON: Cynthia Gronachan
David M. Byrwa
Rickie Ibe
Linda Krieger
Mav Sanghvi
Jonathan Montville
Christopher Gruba, Planner
David W. Gillam, Attorney
Stephanie Ramsay - Recording Secretary

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Novi, Michigan
Tuesday, October 13, 2015
7:00 p.m.

MS. GRONACHAN: I'd like to call to
order the October 13th Zoning Board of Appeals
meeting to order.

Please all stand for the Pledge of
Allegiance. (Pledge of Allegiance recited.)
Miss Ramsay, would you please call
the roll.

MS. RAMSAY: Member Ferrell is
absent excused.

Member Ibe?

MR. IBE: Present.

MS. RAMSAY: Member Krieger?

MS. KRIEGER: Present.

MS. RAMSAY: Member Sanghvi?

MR. SANGHVI: Yes, here.

MS. RAMSAY: Member Byrwa?

MR. BYRWA: Here.

MS. RAMSAY: Member Richert is
absent excused.

Member Montville?

MR. MONTVILLE: Here.

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MS. RAMSAY: And Chairperson
Gronachan?

MS. GRONACHAN: Present.

The Zoning board of Appeals is a
hearing body empowered by the Novi City

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6 Charter to hear appeals seeking variances from
7 the application of the Novi Zoning Ordinance.
8 It takes a vote of at least four members to
9 approve variance request and a vote of the
10 majority of members present to deny a
11 variance. This evening with our
12 alternate, Mr. Montville, we do have a full
13 board.

14 In the back of the room there is a
15 list of rules and regulations, rules of
16 conduct that we adhere to during the running
17 of this meeting. We ask now that everyone
18 please shut off your cell phones during the
19 meeting.

20 For tonight's agenda there is a
21 change. Case number 1, Citygate, is postponed
22 until--

23 MS. RAMSAY: We don't have a date
24 yet.

25 MS. GRONACHAN: Indefinite?
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1 MS. RAMSAY: It will probably be
2 December or January 'cause they have to go
3 before the Planning Commission again.

4 MS. GRONACHAN: Okay. Thank you.
5 All those in favor of the agenda as
6 stands? (All stated aye.)

7 MS. GRONACHAN: The agenda for this
8 evening has been approved.

9 There are no minutes for review by
10 the Board, and if there's anyone in the
11 audience at this time that wishes to make
12 comment in regards to a matter that is not
13 before us this evening can come forth now. Is
14 there anyone that wishes to make comment other
15 than to the cases?

16 Seeing none, we'll move forward and
17 call case number 2, Kroger Fuel Station, case
18 number PZ15-0034, Matthew Pisko on behalf of
19 the Kroger Fuel Station at 47580 Grand River
20 Avenue, north side of Grand River and west of
21 Beck.

22 Sir, are you an attorney? Would you
23 please raise your right hand and be sworn in
24 by our secretary.

25 THE WITNESS: Most certainly.
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1 MATTHEW PISKO
2 was thereupon called as a witness herein, and
3 after having first been duly sworn to testify
4 to the truth, the whole truth and nothing but
5 the truth, was examined and testified as
6 follows:
7

8 MS. GRONACHAN: Would you please
9 state your name and spell it for our recording
10 secretary.

11 MR. PISKO: Matthew Pisko,
12 M-a-t-t-h-e-w, P as in Paul, i-s-k-o. And to
13 the Chair's question, I am not an attorney.

14 MS. GRONACHAN: Thank you. You may

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proceed. MR. PISKO: The petition before this evening for three variances, I've got before you an illustration showing the existing, for context, the existing shopping center at Grand River and Beck. I've clicked through the next picture so you can see, if this shopping center right now has angle parking that moves across, has a large island here, and we're going to propose a fuel station in this area right here. Wholly within an existing

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shopping center, no curb cuts, and where some of the limitations come into play.

Here is the proposed location, and you can see essentially we straightened out the aisles as they move, came across, to encourage a more appropriate parking movement through here and the fuel station.

Adjacent to the Staples building, which was essentially a small pad sight, we essentially had parking and a pedestrian destination and essentially connected sidewalks all the way across the complex. So as opposed to using a new fresh hard corner, Kroger's philosophy and the fuel station is to have it adjacent to or in the parking lot of their grocery store.

Unlike Costco, it isn't a club that you have to be a member of to buy Kroger fuel, so we have essentially two customer bases. We have the public that we can sell to that have, you know, would be interested in the street price like any other patrolling marker, and then we have cross merchandising with the grocery store where there's a discount granted for each hundred dollars that's spent within

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the grocery store, equates to a ten dollar discount up to 30 gallons.

Moving across illustrations is, if I can get the mouse back here, we've erected a mock sign on the property. I don't know if you've all had an opportunity to see that or not, little wonky (sic) in when it was placed, sign manufacturer was great in building a sign appropriate for what we're proposing but they kind of missed their destination. It's actually in a small gap in front of the pine trees, but that is essentially what the sign would look like. And herein lie our variance requests: There were three. If we were a stand-alone parcel on a corner or like we were at our other site in the city, by right we would be allowed a fuel price sign on the street. This is very akin to that. It's completely compliant within the ordinance for size, it's just we're not allowed to have it because we are a unit within an existing condo development. And then the further complication as far as variances go is that

24 we're not allowed to have signs of any kind on
25 the canopy itself, whether it be for branding
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1 or for pricing, which would be for the benefit
2 of people within the shopping center. So I'm
3 going to essentially try and go through my--
4 when this site was originally
5 developed as a condominium they had a far
6 larger gas station on the corner that had its
7 own dedicated sign. We're trying to shift it
8 within, wholly within the existing shopping
9 center, which varies it behind a very mature
10 berm and all the trees that come across, and
11 we're going to further augment those trees in
12 both under canopy trees, and if you can
13 imagine this line of trees that you see, the
14 11, are 11 additional trees that we're going
15 to be adding to the right-of-way.

16 So here comes the variance request.
17 We're requesting a variance to have this sign
18 shown as it is mocked that shows a very small
19 Kroger logo and the two product price signs,
20 and we're proposing a sign on the canopy,
21 which I'll show you in elevation for the
22 benefit of the Kroger stores. So the Kroger
23 shoppers coming out of the grocery store, they
24 can look at the fuel canopy, they accumulate
25 points as they shop, they can walk out,

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1 because this sign would be invisible to them
2 because you'll be between the interior
3 landscape buffer and the street so the signs
4 really are distinctly separate, and whether or
5 not the sign we are proposing on the canopy
6 constitutes being a sign, because it's not
7 visible from the street. Let me see if I can
8 get you that.

9 Here's a perspective rendering of
10 the canopy. Now, if you can imagine here's
11 the existing Staples store. Here's the three
12 product price sign. There isn't anything that
13 identifies it as a Kroger but it does identify
14 it as these are what the commodity prices are
15 like any other traditional gas station, so for
16 the benefit of people within the parking lot
17 that would be coming from the grocery store.
18 And then here again is the mockup of the sign
19 that's at the street which does not have the
20 benefit of the new canopy trees.

21 If you can imagine along this entire
22 boulevard there's going to be 11 new canopy
23 trees installed with just--we just got the
24 permit from the Oakland County Road
25 Commission. That was in contention because

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1 this is intensely landscaped, which
2 essentially blocks view into where the fuel
3 station is, and from a marketing standpoint
4 we're going to further complicate that by
5 loading up this right-of-way with trees as

well.

As far as the ordinance criterion hardships 1 through 5, the five criterion, from the street there's no visibility, there's no signs on the canopy, and we're as a business are completely screened by the existing mature and proposed canopy trees. As a tenant in the existing condominium project, if we were an independent parcel we would be allowed to have the sign by right. In this circumstance we have to request a variance.

Large issues, as a seller of a commodity and gasoline and diesel, street price signs and signs are part-and-parcel with the business, so essentially we've gone through the planning approval process, we're at the--we've got the final sampling set sign, we have a pre-construction meeting tomorrow. We actually have no way to advertise what our business is, so that's the issue here.

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The signage is actually quite a bit smaller than the monument sign we have for other Kroger fuel station across town. And as far as insubstantial or substantial to have justice, we don't see that this can be harmful in any way, shape or form to any of the adjacent property owners. It's directly in front of the proposed fuel station.

And with that I have lots of renderings and would be glad to answer any questions, comments or concerns you may have.

MS. GRONACHAN: Okay. Thank you.

Mr. Secretary, is there any correspondence in regards to this case?

MR. IBE: Madam Chair, in this particular case, in fact what is mailed, (unintelligible) that is received.

MS. GRONACHAN: Is there anyone in the audience that wishes to make comment in the matter of this case?

Seeing none, Building Department, this evening I would like to introduce Christopher Gruba, he's filling in for Mr. Willard this evening. Welcome.

MR. GRUBA: Yes, thank you.

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MS. GRONACHAN: Do you have anything to enlighten us with this evening?

MR. GRUBA: No comments about this, but if you have questions--

MS. GRONACHAN: Thank you. Board members.

MR. MONTVILLE: Madam Chair, I guess my first thought is--

MS. GRONACHAN: Member Montville.

MR. MONTVILLE: Thank you.

with the additional signage and the one major target consumer market for the fuel station is the shoppers at the Kroger gas station, with the existing landscaping, and of

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15 course I open this for further conversation,
16 but I understand the need for the second sign.
17 I'm open for further discussion with board
18 members at this time.

19 MS. GRONACHAN: Okay. Thank you.
20 Anyone else? Member Krieger.

21 MS. KRIEGER: Question. On the
22 packet we have in our computer and what you
23 showed us up there, it looks like two
24 changeable signs and what the ground sign and
25 the canopy sign, so is that what you're

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1 looking for?

2 MR. PISKO: That's correct, and
3 that's a third variance which I omitted to
4 mention. We're only proposing two price signs
5 on this one applicator, people that are
6 driving down the street, the one on the canopy
7 and I'll get to that, has three--you are not
8 allowed to have changeable copy on this. Not
9 only can you not have a brand identity on a
10 canopy, you can't have changeable copy. All
11 we're asking for is the changeable copy
12 portion which is three product price signs
13 which would be diesel, regular and premium,
14 and these are strictly for the benefit of
15 people coming out of the Kroger store after
16 they grocery shop, they can see across the
17 parking lot that there's regular, mid grade
18 and diesel.

19 So there's three on the canopy, two
20 on the street, 'cause we have to--in order to
21 comply with the spirit of the ordinance, we're
22 not allowed the sign by right, that's why
23 we're here, but as far as if we were allowed
24 by right we wouldn't want to go any further in
25 size, so from a bulk regulation standpoint

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1 what we're asking for is completely compliant
2 if we were a separate parcel.

3 MS. KRIEGER: Okay. And is Staples
4 a part of Kroger's, that land site, or is that
5 leasing, or is it all from a separate owner?

6 MR. PISKO: There is a quid pro quo.
7 Kroger did purchase that triangular piece of
8 property and it's not going to be developed as
9 another store. We use the parking that would
10 have been used for that to be adjacent to
11 Staples for their benefit. We added the
12 pedestrian destination, the bike racks and the
13 trees just so that we could offset the
14 parking, and how we reconfigure the parking
15 from an angle to straight-on parking. So it
16 was purely the parking lot isn't going to take
17 the brunt of needing additional parking
18 because we're not developing a building, well,
19 we're not developing a building which will
20 make the parking more efficient.

21 MS. KRIEGER: Thank you.

22 MS. GRONACHAN: Thank you. Anyone
23 else? Member Sanghvi.

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24 MR. SANGHVI: Thank you. How you
25 going to be traffic flow to this gas station
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1 in the current setup?

2 MR. PISKO: You know what, believe
3 it or not, we have very, very bright
4 customers. This isn't an underutilized
5 portion of the store. In our research and
6 Kroger's research in particular, this is
7 definitely the tail of the dog. This is
8 another category within the grocery store like
9 a deli, a bank or coffee or produce. This is
10 something that is absolutely convenience
11 driven, and to build a relationship between
12 our customers and there, so they put it off in
13 this part of the parking lot that is least
14 used but accessible.

15 From a pedestrian standpoint we've
16 connected all the areas so people can walk
17 around it. From a vehicular standpoint, kind
18 of--I'll go to the overall site plan here. We
19 straighten out all those odd angle parking so
20 it's a much more traditional serpentine path
21 through the parking, but we installed an
22 island here that essentially isolates the use
23 so people have a psychological break that
24 will--right here's a landscape island. This
25 is a different use, and although the canopy is
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1 earth tone and it's kind of transparent, it's
2 difficult not to see it. It's transparent but
3 people are well aware that there's another
4 activity occurring in the parking lot. We
5 allow folks to approach in either direction to
6 the fuel pumps and there's enough fueling
7 stations that people can navigate around the
8 site. We have more than adequate aisle ways
9 all the way around, so we don't anticipate
10 volume-wise or congestion-wise any issues.

11 MR. SANGHVI: Thank you.

12 MS. GRONACHAN: I have a couple of
13 questions.

14 MR. PISKO: Okay.

15 MS. GRONACHAN: What made you decide
16 which side of the canopy to put it on? In
17 other words, you have it to the west. Is
18 there a particular reason why it was not--why
19 it would not be on the east? So as you're
20 coming into the parking lot you would be able
21 to see the prices?

22 MR. PISKO: We put it on the west
23 side and there is a thought behind it.
24 People, as they go in and they grocery shop,
25 they may have accumulated enough points to get
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1 the discount when they leave, and as they
2 leave the store they see the number versus
3 they see the number when they come in and it's
4 an errant thought after the grocery shopping
5 so it's strictly for traffic pattern. People

6 typically don't go to the fuel station first,
7 then go grocery shopping. It's the inverse
8 relationship. They grocery shop, accumulate
9 points, they come out and they have the
10 advantage of seeing the price sign at that
11 point in time.

12 MS. GRONACHAN: Okay. My second
13 question is, anywhere else on this structure
14 it does not say that it's a gas station other
15 than you see the pumps. There's no other
16 Kroger insignia, a there's nothing else to
17 indicate that this is--

18 MR. PISKO: A Kroger fuel station,
19 you have a heavyset Kroger guy doing
20 cartwheels but it does not.

21 MS. GRONACHAN: Thank you. I'm
22 going to make some comments for the benefit of
23 the Board, and this is my thought. I'm not
24 able to support the ground sign, and the
25 reason being is because the petitioner

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1 basically just said that this is a destination
2 gas station. People come there, they're going
3 to Kroger and they're going to buy gas.
4 They're going to learn what the price is,
5 basically, this is not your regular driving
6 down the road, finding I need a gas station to
7 fill up with gas. It's more of a destination
8 specific to get the discount. That's where
9 I'm going with this.

10 when I went by on Sunday, even with
11 that sign there you could barely see it, and
12 it's a shame that they put it in the wrong
13 place, but then even if you move it to that
14 bare spot--and if you could put that other
15 picture back up for me, please, where you have
16 your mock sign, with those trees in there I'm
17 not convinced that you're going to be able to
18 see it after those trees are there, so my
19 thought is I would support the canopy sign on
20 the building itself only for based on what the
21 petitioner has already told us. However, I
22 would suggest that the petitioner wait on this
23 ground sign to see how business goes, and if
24 they decide that it really isn't working and
25 that it's because of lack of identification,

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1 then my recommendation would be to come back.
2 And I don't know where I am with
3 that, if that's allowed or not, and I'm
4 looking at the city attorney who can bail me
5 out if he wants, but that's where I'm headed
6 with this. I'm not supporting the ground sign
7 because I don't believe you're going to be
8 able to see them, and based on what I just
9 said about that this is a destination shopping
10 gas station, and I was trying to remember if
11 there was a ground sign in the Kroger station
12 in South Lyon at Pontiac Trail and Eight Mile,
13 'cause I couldn't remember.

14 MR. PISKO: There is, and there are

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canopy. And if I've overstated-
MS. GRONACHAN: (Interposing) Just
hang on one second, I appreciate that.
So if anybody else has any thoughts?
Member Montville.

MR. MONTVILLE: I just have a
question for the petitioner. Do you know the
percentage--I understand the Kroger points and
that's a (unintelligible) for your Kroger
customers, but with your other fuel stations
do you know what the percentage of people that
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use Kroger points and then just consumers
coming down the street?
MR. PISKO: Unfortunately those
aren't numbers that are accumulated, but we
generate a lot of business from the street. I
didn't mean to say that everything comes from
the grocery store. And as far as if--I blew
this picture up. If you can remember, down
the street west here there's an Applebee's
sign. That's what we envision the sign being,
when we talked to Mr. Beder (ph) about how we
configure that sign, so it is visible and this
is what we anticipate it being, because really
drawing people from the street is part of our
business too. It's a convenience for our
customers as they exit, which by no stretch of
the imagination is that our only business. We
pull off the street like Speedway or anybody
else.

MS. GRONACHAN: Anyone else? Member
Ibe.

MR. IBE: Madam Chair, I appreciate
your comments regarding these ground sign.
One I did have an issue/concern about this
particular applicant's case, but the more I
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think about it, and I'm thinking that if this
is geared towards the patrons that come to the
Kroger store alone, then I think the applicant
stands to lose from any kind of investment
that he's made here. I'm quite sure that the
purpose of that ground sign that the applicant
is asking for is to steer customers who would
drive eastbound on Grand River, they would see
it. And I know I drive down this place I
don't know how many times in a day, and I know
the only other gas station around there is a
Shell gas station right before you hit the
freeway, which is pretty good if you're going
north on Beck Road, but if you're going east,
if you pass it on--that is on Novi Road and
next point is on Wixom Road, so there's a good
possibility that it may actually draw to
patrons who go down that way, and only way to
see that there is a gas station there is if
there is some kind of signage.

And while the--I'm sure the Kroger's
understand that the canopy tree that will be
planted is probably gonna shield that sign,

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24 well, I'm quite sure that it's something that
25 they thought about and probably will find a
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1 way to make that sign visible.
2 Strictly if I were to vote on this
3 right now I would probably be in favor of
4 this, considering that there are sufficient
5 practical difficulty that would make it easier
6 for me to feel comfortable with my vote for
7 this particular applicant. I think that while
8 I'm not a big fan of extra signage, this
9 particular one here reminds me of the, I think
10 Sam's, does Sam's have a gas station, and I
11 think there's a sign out there, not down on
12 the street but inside of the--when you pull
13 up, you know, into the sub is where you have
14 the sign, right?

15 MS. KRIEGER: I can't remember.

16 MS. GRONACHAN: I don't think so.

17 There are signages inside the store.

18 MR. IBE: There's no on the outside
19 that tells you the price of the gas?

20 MS. GRONACHAN: No, because you've
21 got to be a member at Sam's in order to buy
22 their gas, it's not open to the public.

23 MR. IBE: well, obviously, sir, it's
24 your filling station. Is it open to the
25 public?

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1 MR. PISKO: It most certainly is.
2 And something I may have been less than good
3 at explaining is this is an earth tone canopy
4 that is behind a forest of trees. No one will
5 know it's there as far as the motoring public
6 that's driving past the site, so those folks,
7 if they don't see a sign in the beltway they
8 are just gonna go by us so--

9 MR. IBE: And since it's open to the
10 public, I think you pretty much make it easy,
11 it's not a members-only filling station?

12 MR. PISKO: No.

13 MR. IBE: And I shop at Kroger's all
14 the time, so I guess if the price stay the way
15 on the mock sign it would be great, by the
16 way, but--I know that's not gonna happen, but
17 anyway, that's my comment. But actually I
18 will support this. Thank you.

19 MS. GRONACHAN: Thank you. Anyone
20 else? Member Sanghvi.

21 MR. SANGHVI: I'd like you to show
22 again the position location of the ground sign
23 which is closest to the entry to the complex.

24 MR. PISKO: As is often the case--

25 MR. SANGHVI: On the east side of

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1 the--then where the traffic light is.

2 MR. PISKO: Bear with me, I'm having
3 problems opening, for whatever reason the
4 format has changed on your viewer. See if I
5 can get it to open. It's not very--okay.

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6 This picture, you're asking where the sign is
7 in relation to-

8 MR. SANGHVI: The ground sign is.

9 MR. PISKO: This is--this is the
10 proper location we are showing the sign.

11 MR. SANGHVI: The point I want to
12 make, that ground sign is west of the entrance
13 into the--that complex there.

14 MR. PISKO: Yes, yes, it is, but
15 it's not far enough away that people won't see
16 it before they have the opportunity.

17 MR. SANGHVI: Driving along going
18 west on Grand River, you are already past the
19 entrance to the gas station before you see
20 this sign, so is it not necessary or the
21 location is wrong, it should be on the other
22 side if you want to put it of that entrance so
23 that people know that's where you go.

24 MR. PISKO: We may have moving east
25 or west along the frontage of the fuel
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1 station, which is a separate unit within the
2 condo development. I don't think we are going
3 to be able to move it to the east side of that
4 approach.

5 MR. SANGHVI: 'Cause if I am driving
6 along Grand River I already passed the
7 entrance to your gas station before I see the
8 sign.

9 MR. PISKO: Yes, and then there's
10 another opportunity for them to enter the
11 shopping center further west, if that's what
12 you're--

13 MR. SANGHVI: Okay.

14 MR. PISKO: Thank you. So they have
15 a chance to come back around.

16 MR. SANGHVI: Doesn't make sense to
17 me anyway. Thank you.

18 MS. GRONACHAN: Anyone else? Member
19 Montville.

20 MR. MONTVILLE: I just have one more
21 comment too. I'm sure your gas station will
22 be a very nice gas station, but it is a
23 commodity business and the price of the
24 commodity that they're offering is a main
25 attraction to drivers coming down the street
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1 and also their customers, both Kroger shoppers
2 and the general public, which percentage is,
3 I'm sure it's a significant part of their
4 business, so I'm with member Ibe, I'm willing
5 to support the variances as they've been
6 requested in this particular circumstance.

7 MS. GRONACHAN: Thank you. Anyone
8 else?

9 MS. KRIEGER: Is there any way you
10 can put the ground sign not on the east side
11 of the entrance but right on the exit that's
12 still on the property?

13 MR. PISKO: At somewhere here, I
14 see, here you're saying further-

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15 MS. KRIEGER: Yes. Exactly.
16 MR. PISKO: Yeah, I think, yes, we
17 can move it along that without any issue.
18 MS. KRIEGER: 'Cause when you look
19 at any gas station, they're usually on the
20 corner or where there's a curb cut and you can
21 get into it, so it would probably be, as
22 member Sanghvi said, easier for people who are
23 just driving by to see it instead of trying to
24 go to the light and trying to make their way
25 back to it.

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1 MR. PISKO: Okay, we will take that
2 into consideration and move it to the east,
3 just from a bulk standpoint we're behind where
4 we need to be to comply.
5 MS. KRIEGER: Thanks.
6 MS. GRONACHAN: Member Byrwa.
7 MR. BYRWA: That gives me a delicate
8 situation when you start locating signage at
9 the corner of ingress and egress, and there
10 was years and years ago before the electronic
11 age with gas station signs, they used to have
12 these at a gas stations, they were like about
13 four foot square blocks and they locate it
14 right at the corner. Well, what happened in
15 one case is there was somebody killed because
16 there was a vehicle obstruction, they couldn't
17 see the traffic flow and they pulled out,
18 somebody got killed, and it kind of
19 revolutionized signage at corners and gas
20 station signs, and if they are at an
21 intersection there has to be a free clear
22 elevated off the ground to not create a
23 vehicle obstruction or free clear.
24 MS. KRIEGER: I'm sorry, similar to
25 Applebee's. Applebee's is where the light's

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1 at and they're on the corner, so why can't
2 they do something similar?
3 MR. BYRWA: Well, the only thing, it
4 would have to be approved and reviewed by, and
5 we're not talking--we're still maintaining out
6 of the right-of-way on this.
7 MR. PISKO: Yes, and we would keep
8 it--we're obligated to keep it out of clear
9 vision so we would move it as far as we could
10 because size are the only one allowed within
11 the city, so Applebee's and ours are very
12 similar in size and scope.
13 MR. BYRWA: Okay.
14 MS. GRONACHAN: All right. Did you
15 have something more, member Sanghvi? Member
16 Brywa, did you have anything else?
17 MR. BYRWA: Not at all.
18 MS. GRONACHAN: I appreciate
19 everyone's comments, and I agree with member
20 Sanghvi, although I do understand both member
21 Montville and member Ibe's comments, I can
22 appreciate that this sign, because we are
23 granting a variance, needs to serve a purpose.

10-13-15

24 And so I don't know, can we move a sign? I'm
25 going to address the Building Department and
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1 city attorney all in one fell swoop. Can we
2 change the location or does this have to be
3 tabled or--

4 MR. GRUBA: Well, I'm looking at
5 Section 5.9 in the zoning ordinance, clear
6 vision triangle at the point of the
7 intersection from the right-of-way Grand River
8 to either the right-of-way of the entrance or
9 the edge of the curb, 25 feet up Grand River
10 to the west and then 25 feet north, and then
11 you create kind of a triangle with that area,
12 so you could bring it a little bit closer but
13 as long as you're outside of that.

14 MS. GRONACHAN: So if we go to
15 approve this with that stipulation, or would
16 we have to table this until we get that to see
17 if we can go into that location?

18 MR. GILLAM: I think if you're
19 comfortable with the idea that the sign would
20 be as close to the entrance as possible and
21 still comply with clear vision and all other
22 ordinance requirements, that can be a
23 condition of your approval.

24 MS. GRONACHAN: Okay.

25 MR. GILLAM: If you prefer, the
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1 issue could be tabled and there could be a
2 specific review by Planning and Engineering
3 but that's at the Board's discretion.

4 MS. GRONACHAN: Thank you. Okay.
5 And in that, does anyone--would anyone like
6 to--member Sanghvi.

7 MR. SANGHVI: I just had a question
8 for the city attorney, whether we are making
9 two separate resolution, one for the canopy
10 sign at the gas station itself and the ground
11 sign because we are discussion is about the
12 difference opinion is about the ground sign
13 and not the other sign.

14 MR. GILLAM: There are actually
15 three variance requests that are in front of
16 you, so my recommendation would be to make
17 three separate motions, one on each of the
18 variances.

19 MS. GRONACHAN: Okay. So let's do
20 this. why don't we, if I can, if I will, jump
21 to the variance number two. would anyone like
22 to make a motion for number two request, the
23 variance to allow the canopy signage and
24 include, if you will, that it has to also have
25 changeable copy. Is that correct? Is that
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1 correct, that the canopy sign also has to have
2 a variance for the changeable copy?

3 MR. GRUBA: Yes.

4 MS. GRONACHAN: So the motion maker
5 needs to include that for the canopy sign and

10-13-15

6 for the changeable copy for that specific
7 canopy sign. Anybody up for that?

8 MR. MONTVILLE: Just seems to me we
9 are trying to merge two and three. Changeable
10 would be for the third request.

11 MS. GRONACHAN: Well, the changeable
12 is also for the ground sign is going to be
13 changeable, is it not? So we need a variance
14 for that, so that's why I said just go for two
15 and include your verbiage on changeable for
16 the canopy sign.

17 MR. MONTVILLE: Okay.

18 MS. GRONACHAN: 'Cause then when we
19 address variance one and three, that's
20 strictly for the ground sign and that will
21 include the changeable for the ground sign.
22 Okay?

23 MR. MONTVILLE: I'll proceed to make
24 a motion at this time.

25 MS. GRONACHAN: Okay. Thank you.
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1 MR. MONTVILLE: I understand.

2 Prepared to make a motion at this time for
3 specifically in reference to variance request
4 number two, I move that we grant the second
5 variance request in case PZ15-0034, request by
6 Matthew Pisko on behalf of the Kroger Fuel
7 Station. In this particular variance request
8 the petitioner has shown the practical
9 difficulty requiring additional signage to the
10 western front of the gas station in particular
11 because of the entrance to the Kroger shopping
12 center and the target market, one of the
13 target markets for this particular business
14 being the shoppers at that location. Without
15 this variance request the business would have
16 limited access to that consumer market. This
17 property is unique because it's in an existing
18 shopping retail center. As the petitioner
19 mentioned, this was a stand-alone location,
20 this would not be a required variance request.
21 For the same reason the petitioner did not
22 create this condition, like I said, it's an
23 existing retail location. The variance and
24 the relief granted in this particular request
25 will not interfere with any adjacent or

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1 surrounding properties, as it is just one
2 additional sign on the particular unit, and
3 the relief is consistent within the spirit and
4 intent of the ordinance. Due to the size of
5 the signage within the past ordinance and the
6 ordinance as it is written now, and then I
7 would also add in this particular variance
8 request that we include the condition that
9 this additional sign be a changeable copy sign
10 on the unit.

11 MR. BYRWA: Support.

12 MS. GRONACHAN: So it's been moved
13 and support. Any further discussion?

14 Miss Ramsay, would you please call

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out the roll.

MS. RAMSAY: Member Ibe?
MR. IBE: Yes.
MS. RAMSAY: Member Krieger?
MS. KRIEGER: Yes.
MS. RAMSAY: Member Sanghvi?
MR. SANGHVI: Yes.
MS. RAMSAY: Member Byrwa?
MR. BYRWA: Yes.
MS. RAMSAY: Member Montville?
MR. MONTVILLE: Yes.

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MS. RAMSAY: Chairperson Gronachan?
MS. GRONACHAN: Yes.
MS. RAMSAY: Motion passes six to

zero.

MS. GRONACHAN: Okay, so we got that out of the loop so let's now move to the ground sign, and for review the variance for the ground sign first is the variance for the ground sign plus it's also the changeable copy. So any further discussion or does someone want to make a motion?

MR. MONTVILLE: Just for one more verification, so are we--does this include the changing the location of the sign?

MS. GRONACHAN: That's going to be your call when you make the motion.

MR. MONTVILLE: Okay. In this particular instance I'll refrain from making a motion.

MS. GRONACHAN: Where is he? He's sitting there, ain't going anywhere.

MR. MONTVILLE: I refrain in this instance.

MS. GRONACHAN: Anyone else? Member Ibe.

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MR. IBE: Okay. I will put on my--(unintelligible) here.

MS. GRONACHAN: Okay. My pleasure.

MR. IBE: In case number PZ15-0034 sought by the applicant on behalf of the Kroger Fuel Station company, I move that we grant the variance requested for the second single ground sign and to allow for changeable copy signs on the ground sign because the petitioner in this case has shown practical difficulty requiring the approval of the variance. First the petitioner has demonstrated that if this sign is not approved the petitioner will be reasonably prevented or limited in respect to the use of this property. The spokesperson for Kroger's who is present for us today has stated that this ground sign, it's for patrons who are coming off the streets, you know, driving down Grand River, eastbound or westbound Grand River, for them to be able to see that either fuel station located within the shopping center and to allow the people to come in and patronize

24 The fuel station.

25 There was some issues regarding the
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0036

1 location, specific location of the ground
2 sign, and without note the ground sign makes
3 sense as where it's located due to the
4 visibility and the fact that it's further past
5 the entrance, the first entrance to the
6 shopping center. Now, it has been recommended
7 by some members that perhaps the sign can be
8 moved east of where it's currently proposed to
9 be located, east of that, to allow for better
10 visibility for parties who need to patronize
11 the fuel station, and it is my position as the
12 mover of this motion that if the petitioner
13 accepts and so long as it complies with all
14 the necessary (unintelligible), that it is not
15 in the--yes, that is in the (unintelligible)
16 of the road and does not obstruct traffic and
17 it is not in the right-of-way, then it is the
18 petitioner's--if it is a question of desire to
19 comply with that and that will be appreciated,
20 part of this motion as well.

21 The property is unique, as we all
22 know in this case, because it is an existing
23 development and this was a parking lot that is
24 being turned into a fuel station. While the
25 purpose, one of the purpose is to attract
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0037

1 those who shop at this shopping center, it's
2 also intended for those who just buy gas as
3 I'm going down the street on Grand River or
4 even Beck Road, for that matter. The
5 petitioner did not create the condition. This
6 is an existing development piece of property
7 that has been turned into a fuel station.
8 Absolutely it does not, really should not call
9 into question as to whether or not there is
10 any self-created problems here.

11 Not granting the variance will make
12 it unreasonable for this particular applicant
13 to achieve purpose that is intended, and
14 clearly granting it will not effect the
15 surrounding adjacent property owners. I think
16 that it's a win-win for the developments that
17 are within that subdivision because more
18 people get to see what is there if they coming
19 there to buy gas, so clearly I think that it
20 is a win-win for other businesses.

21 Finally, the relief is consistent
22 with spirit and intent of the ordinance as
23 this particular business would bring in more
24 people into the city, and certainly I think
25 that is a welcome attribute for the city of
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0038

1 Novi. Therefore, based on the presentation
2 that was presented by the applicant's
3 representative, the discussions that was here
4 by the members, and I move that we grant the
5 request.

10-13-15

6 MS. KRIEGER: Second.
7 MS. GRONACHAN: It's been moved and
8 second. Any further discussion?
9 Seeing none, Miss Ransay, please
10 call the role.
11 Oh, did you--I'm sorry.
12 MS. RAMSAY: Member Ibe?
13 MR. IBE: Yes.
14 MS. RAMSAY: Member Krieger?
15 MS. KRIEGER: Yes.
16 MS. RAMSAY: Member Sanghvi?
17 MR. SANGHVI: Yes.
18 MS. RAMSAY: Member Byrwa?
19 MR. BYRWA: Yes.
20 MS. RAMSAY: Member Montville?
21 MR. MONTVILLE: Yes.
22 MS. RAMSAY: And Chairperson
23 Gronachan?
24 MS. GRONACHAN: Yes.
25 MS. RAMSAY: Motion passes six to
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0039

1 zero.
2 MR. PISKO: Thank you very much.
3 MS. GRONACHAN: Your variances have
4 been granted, I'm sure you'll be seeing the
5 Building Department in the near future. Good
6 luck to you.
7 MR. PISKO: Yes, thank you very
8 much.
9 MS. GRONACHAN: Thank you. Okay.
10 Moving right along, case number PZ15-0036,
11 Ryan and Lindsay Szostek at 1310 East Lake
12 Drive, west of Novi Road and south of 14 Mile.
13 Is the petitioner here? Come on down.
14 The applicant is requesting a
15 variance to allow construction of a new second
16 story living area addition with an attic above
17 an existing--an existing residence.
18 Good evening. Are you both going to
19 testify this evening?
20 MR. SZOSTEK: Yes.
21 MS. GRONACHAN: Are either one of
22 you attorneys?
23 MR. SZOSTEK: No.
24 MS. GRONACHAN: Would you both
25 please state your names and then spell them
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1 for our recording secretary, then raise your
2 right hands and be sworn in by our secretary.
3 MR. SZOSTEK: So I'm Ryan Szostek,
4 last name spelled S like Sally, z-o-s like
5 Sally, t-e-k.
6 MR. JESHURUN: Matthew Jeshurun,
7 I'm a contractor. Last name spelled
8 J-e-s-h-u-r-u-n.
9 MS. GRONACHAN: Okay. would you
10 both raise your rights hands.
11
12 RYAN SZOSTEK and MATTHEW JESHURUN
13 was thereupon called as witnesses herein, and
14 after having first been duly sworn to testify

10-13-15

15 to the truth, the whole truth and nothing but
16 the truth, was examined and testified as
17 follows:

18 MR. IBE: Thank you.

19 MS. GRONACHAN: You both may
20 proceed.

21 MR. SZOSTEK: Okay. I am not nearly
22 as formally prepared as the last person so I
23 will attempt my best, I promise. So I am a
24 current resident. This is not Lindsay. I'm
25 the current owner and resident at 1310 East
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1 Lake Drive in north Novi there on Walled Lake.
2 It's actually on the lake side, for context
3 purposes. We are undergoing a construction
4 process, not changing the existing footprint
5 of the house, but to effectively change the
6 layout of the second floor to make it more
7 accommodating for our family.

8 The house, from a background
9 perspective, was a cottage on Walled Lake for,
10 I don't know, built in the '40s or '50s or
11 something like that, which was effectively a
12 two-bedroom house, one of the bedrooms being
13 eight by seven. In the '80s they raised that
14 cottage and put a basement under it which
15 became the first floor which included a
16 kitchen, a bathroom and a living room. The
17 second floor now is the same orientation as
18 the original cottage, so it is a two-bedroom,
19 one-bath house with two living rooms and two
20 family rooms, one on each floor.

21 So the variance purpose of this or
22 the hardship in this case is trying to make
23 the second floor have an additional bedroom
24 and make the existing second bedroom slightly
25 larger than eight by seven which barely fits
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0042

1 (unintelligible). Why there's a variance in
2 that is that the existing--in order to do that
3 we need to relocate a staircase that does not
4 reside in a bedroom. In order to do that we
5 need to raise the roof line six feet so that
6 there's head room to allow that staircase to
7 go into the third floor, which is currently a
8 pent roof. You can think of a bungalow sort
9 of thing where you can only walk down the
10 middle of it, to effectively raise the walls
11 six feet, I believe, so that you can actually
12 walk up the staircase and not hit your head.

13 So that is the purpose of it. I
14 have some pictures of current setbacks, so the
15 variances are two. One is on the south side.

16 MS. GRONACHAN: Put your pictures on
17 the--

18 MR. SZOSTEK: I don't have pictures.
19 Oh, here. Can I distribute them to you?

20 MS. GRONACHAN: You can put them on
21 the overhead so that I can see them.

22 MR. SZOSTEK: All right.

23 MS. GRONACHAN: Technology.

10-13-15

24 MR. SZOSTEK: Yeah, I know. These
25 are just examples of the existing, of existing
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1 neighbors' setbacks--which I don't know if
2 that's going to focus for us, it looks
3 amazing.

4 MR. JESHURUN: We made seven copies.
5 If you want we can hand them to you.

6 MS. GRONACHAN: You're fine. People
7 at home also can see this.

8 MR. SZOSTEK: We are on television?

9 MS. GRONACHAN: Yeah.

10 MR. SZOSTEK: Great. So on the
11 south side, the existing footprint already
12 impedes on the setbacks. The space between
13 the two houses is about 15 feet and the
14 mandatory setback from the property line's 10
15 feet, so it impedes on that. Almost nearly
16 all of the existing structures as well as the
17 new construction, as you can see on this, are
18 already--I'm guessing they were here
19 previously seeking variance for exactly the
20 same purpose. However, they tore down the
21 houses and build gigantic ones. I am just
22 going up six feet.

23 There is a small consideration in
24 that the eave of the house will be extended
25 one foot further than it currently is. It's
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0044

1 currently a one foot eave and it will be one
2 foot further down, if you can imagine the roof
3 line coming down slightly. I'll pause.

4 MR. JESHURUN: Yeah, just to
5 interject further. His existing staircase up
6 to this, you know, third floor bungalow,
7 whatever you want to call it, is not a usable
8 staircase. It's under three feet wide. It
9 kind of almost spirals up where the stairs are
10 on top of each other and no way could you
11 ever carry anything up of any size. So really
12 the purpose is to give them storage and, you
13 know, at some point maybe, I don't know if
14 they'll do something more than storage, but
15 for budget restraint purposes now it's just
16 storage, but they want to be able to get large
17 things up there to store it so they want to
18 put in the proper staircase over the existing
19 staircase, which with the way the existing
20 staircase is situated they can't do that
21 unless we do a shed dormer on the one side
22 where the staircase would be going up. And so
23 then at that point we've--well, let's put some
24 balance to the house so it's just not this
25 ugly shed dormer on one side of the house, so

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0045

1 we added it on the south side as well, just to
2 add balance and, you know, aesthetics.

3 MS. GRONACHAN: Okay. Anything
4 else?

5 MR. SZOSTEK: We're more than

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6 willing to take any questions you may have.
7 MS. GRONACHAN: All right. Thank
8 you very much.

9 Mr. Secretary, is there any
10 correspondence?

11 MR. IBE: Yes, Madam Chair. In this
12 particular case there were 26 letters mailed,
13 2 that is returned, one approval that is
14 received and zero denials that was received.
15 The sole approval that I received is from
16 Isaly Szetela at 1317 East Lake Road, East
17 Lake Drive in Novi, and he states: "We wish
18 them the best of luck with this endeavor."

19 And that's it, Madam Chair.

20 MS. GRONACHAN: Thank you. Is there
21 anyone in the audience that wishes to make
22 comment?

23 Seeing the vast minority out there,
24 a little empty, seeing none, Building
25 Department, do you have anything at this time?
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1 MR. GRUBA: No comment. This is
2 just for the two variances, for the south side
3 property setback and for expanding a house
4 that's next to the accessory structure, that's
5 all it is so--

6 MS. GRONACHAN: Thank you.

7 MR. JESHURUN: Madam Chairperson, I
8 forgot to tell you we also have a set of
9 signatures, I don't know if you want us to put
10 that, from surrounding neighbors. I don't
11 know if that's even at this point--

12 MS. GRONACHAN: Can we let us Board
13 members--any comments?

14 MR. BYRWA: I have a question.

15 MS. GRONACHAN: Member Sanghvi
16 first.

17 MR. SANGHVI: Thank you. I
18 came--you are two lots there and on the north
19 side of your lot you have with a garage, how
20 long have you had that garage?

21 MR. SZOSTEK: So I moved into the
22 property three and-a-half years ago. And that
23 garage was existing, so I don't know when it
24 was actually built. It's actually a lot
25 and-a-half.

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1 MR. SANGHVI: it's been around for a
2 while, it's not new construction?

3 MR. SZOSTEK: Oh, no, it's
4 been--it's block construction. It's probably,
5 I don't know, I would not be fit to give you
6 an estimate, to be honest. It's older than
7 me.

8 MR. SANGHVI: Second question is you
9 already have a second floor and you plan to
10 extend it?

11 MR. SZOSTEK: Yes. So it's actually
12 three--it's a difficult house to describe, I
13 must admit. It's a three-story structure. It
14 has a basement that serves as the first floor,

15 and all three are existing, there's been no
16 construction on it.

17 MR. SANGHVI: According to what you
18 written on this paper, a little misguided that
19 you are building a new second floor.

20 MR. JESHURUN: See, I guess to
21 elaborate on that, if you can imagine a house
22 with a basement but over 90 percent of the
23 basement is at grade level to where it's not
24 in the ground, that's kind of what they have.
25 In that level is their main living space of

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1 kitchen, half bath, living room, kind of a
2 dining area. Above that is the main living,
3 you know, space, up two bedrooms and a
4 bathroom, kind of almost like a second living
5 room or just big open space. That's basically
6 wasted and kind of unusable. So essentially
7 within a existing footprint of that second
8 floor we are just moving the interior walls
9 around, keeping the exterior structure and
10 just reorganizing that second floor to make
11 more sense as far as two bedrooms, a bathroom,
12 and a more usable master suite for them where
13 they'll have like en suite bath and walk-in
14 closet.

15 As far as what I guess we are
16 referring to is the third floor, it's
17 essentially like a bungalow, how, you know,
18 again if you can imagine bungalow that had a
19 basement, a first floor and then the bungalow
20 story, that's what this is, again with just
21 the lower level kind of being out of the
22 ground. As far as the bungalow part is
23 concerned or as we are calling third level,
24 the roof line really is not changing, that's
25 staying the same, but like with any bungalow

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1 when you have that pitch starting right at the
2 eave and climbing, you typically don't get
3 usable space, depending on what the pitch of
4 the roof is till four or five feet in, and you
5 have to make four or five feet eave walls,
6 then from there the space climbs up to
7 whatever ceiling height you give it. Within
8 the area where they're proposing to have the
9 two shed dormers, you will see it kind of
10 steps out to where those shed dormers are,
11 'cause those will actually have six foot side
12 walls. That's essentially the variance we are
13 asking for is, really the only change to the
14 structure is coming in, those shed dormers.

15 MR. SZOSTEK: So to allow for the
16 staircase.

17 MR. JESHURUN: And I guess the
18 extension of the eaves.

19 MR. SANGHVI: Thank you.

20 MS. GRONACHAN: Member Byrwa.

21 MR. BYRWA: Yeah, I was--question
22 for the Building Department. What is the
23 maximum building height in that area?

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MR. GRUBA: It's zoned R4, and if
you can bear with me here I'll just flip to
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that. Maximum building height is 35 feet or 2
and-a-half stories, whichever is less.

MR. BYRWA: So would that be like an
extra variance being that there--to me, I look
at the elevation and it's clearly three
stories here and you were looking at a story,
the first floor is a story above grade, and
then you got a second floor and then you
got--now you're proposing a third floor.

10

MR. JESHURUN: Well, can I--

11

MS. GRONACHAN: Let them--

12

MR. GRUBA: I'm sorry, if I may ask
the question, the definition of story depends
on whether the basement is mostly above grade
or below grade?

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MR. JESHURUN: There is no
essentially basement. If you can almost
imagine it's almost like a slab, but the first
floor is block and that's kind of--like maybe
one, I believe on the south side, maybe it's
the north side, the grade is actually halfway
up that block so--

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MR. SZOSTEK: I can elaborate 'cause
I live in it every day. It's very unique,
I'll give you that, so the confusion is that

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on the side you're below grade from about five
and-a-half feet below grade. From the lake
side which slopes drastically down towards the
lake it's like a walk-out basement. What's
unique about it is on the road side it's also
a walk-out, so it's walk-out on the east and
the west side, and it's a basement effectively
on the north and the south side. I don't know
how to describe that but that's the way it is.

10

MR. JESHURUN: To further address
your question, I believe, 'cause I've dealt
with the Department, the 35 foot as you
describe is to the mean height which is
halfway between the eave and the ridge, and so
if you're talking about where the eave starts,
even with it being, you know, the second
story, that would be somewhere approximately
around 17 feet off the ground. If--if the
whole first floor is excavated. The fact that
it's not, now you have to find the common
grade height around the whole house, which
essentially if you're saying it's five feet on
the sides and walk-out we'll call it two
and-a-half feet for a common all the way
around the building, so then from that point

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to the bottom of the eave is probably
somewhere around 15 feet.

Now, depending on the pitch of the
roof and width of the building, that will now
give you a ridge height which I would say is

10-13-15

6 approximately ten feet taller than the eave
7 height. So even the ridge itself off the
8 ground is going to be no taller than 25 feet.
9 So we're way under. And the actual
10 requirement of 35 feet would be to the middle
11 of the roof, so essentially the building could
12 almost be 15 feet taller and be close enough
13 to meeting that, so I think we're well within
14 that.

15 MR. GRUBA: What is the height
16 between the eave and the peak? That's the
17 height of the building is measured between the
18 eaves and the peak.

19 MR. SZOSTEK: It's a 12/12 pitch.
20 It's a 20 foot wide building, so it's almost
21 exactly 10 feet from the eave to the peak of
22 the actual main roof.

23 MR. GRUBA: Do we have any
24 elevations?

25 MR. SZOSTEK: Yeah, it's within the
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1 drawings.

2 MR. BYRWA: -Submitted the building
3 height is 25 feet 4 inches and that's to the
4 midpoint of the gable.

5 MR. GRUBA: Okay.

6 MR. BYRW: 25/4.

7 MR. GRUBA: If I may, the way that
8 I'm reading the definition of basement, is
9 that the basement would be actually considered
10 the first floor and then you have the second
11 floor and then you'll have the half story
12 there.

13 MR. JESHURUN: I guess we're calling
14 it a third floor but really it's not, it's
15 like a cape cod or bungalow. It's within the
16 roof.

17 MR. GRUBA: I suppose the answer to
18 your question, I think that it meets 2
19 and-a-half stories or 35 feet per the
20 definition.

21 MS. GRONACHAN: Anything else,
22 member Byrwa?

23 MR. BYRWA: No, that's--well, I
24 guess to classify it as a third story, I think
25 there's a formula where if the floor area is
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1 greater than 50 percent of the floor area
2 below it, it's a third story. So to call that
3 a dormer I think is misleading, or whatever or
4 a half story is misleading. It goes into the
5 category of a full story if it's greater than
6 50 percent of the floor below it.

7 MR. GRUBA: Well, I might be wrong
8 about that, and I'm not sure if we want to
9 move on to another question while I try to
10 find that out.

11 MR. BYRWA: Okay.

12 MS. GRONACHAN: All right. We'll
13 have Mr. Gruba look that up. In the meantime,
14 member Krieger, you had additional questions?

10-13-15

15 MS. KRIEGER: Yep. The level of
16 your--when you enter the house and you're
17 calling it your first floor, is that the level
18 of the road?

19 MR. SZOSTEK: Yeah.

20 MS. KRIEGER: I can't remember as I
21 drove by. Are you going down into the first
22 floor?

23 MR. SZOSKTEK: No, it's level with
24 the road. It's probably actually two to three
25 feet off the road level, raised off the road

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0055

1 level.

2 MS. KRIEGER: So the north and south
3 side, the earth that comes up to it is above
4 the road level then?

5 MR. SZOSTEK: Yeah, it's probably
6 four to five feet or six feet above the road
7 level.

8 MS. KRIEGER: Your neighbors'
9 houses are still taller than that.

10 MR. SZOSTEK: My one neighbor to the
11 south is significantly taller than that and it
12 will be.

13 MR. JESHURUN: Essentially they
14 drive almost down into their garage, the
15 neighbor on the south side, and he drives
16 slightly up to his garage and then there's
17 kind of just a walkway that come down to his
18 front door. So in a way his garage is quite a
19 bit higher than actual front door entrance.

20 MR. SZOSTEK: Yes.

21 MR. JESHURUN: Five, six feet
22 difference.

23 MS. KRIEGER: Which makes it more
24 complicated. Thank you.

25 MS. GRONACHAN: Any other questions?
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1 MR. GRUBA: Madam Chair, if I may.
2 Definition of half story zoning ordinance, an
3 uppermost story lying under a sloping roof
4 having an area of at least 200 square feet
5 with a clear height of 7 feet 6 inches, for
6 the purposes of this ordinance the usable
7 floor area is only that area having at least 4
8 feet clear height between the floor and the
9 ceiling.

10 How many square feet is the top
11 floor?

12 MR. JESHURUAN: The bungalow right
13 now is probably, the building is 20 by 40,
14 right, so the first and second would be 800
15 square feet. If you figured at a 12/12 pitch
16 it stops probably about 5 feet on each side,
17 so instead of 20 foot wide it becomes about
18 10, so literally half, and then the entire
19 length of the building, although currently I
20 don't know that it goes entire length of the
21 building, so it's definitely well under half
22 right now.

23 what we would be proposing for the

10-13-15

24 storage space, obviously with the shed dormers
25 going all the way out to the exterior wall, be
LUZOD REPORTING SERVICE (313)963-1176

0057

1 getting some more square footage there, and
2 then also I believe it's going out a little
3 bit further over the front, although for the
4 proposed master suite area it will be open
5 like a two-story kind of great area, be just
6 like a big cathedral ceiling within that
7 footprint, so that will actually be lost. So
8 I guess if you're not counting the
9 cathedralled area of the master suite as the
10 square footage of the bungalow area, it's
11 probably about half of what the second and
12 first floor are, which would be about 400
13 square feet.

14 MR. GRUBA: Okay, I'm seeing here
15 that the mezzanine shall not exceed one-third
16 of the story floor area, and you're saying
17 that's a half, which would be more than a
18 third.

19 MR. JESHURUN: By mezzanine you're
20 referring to that third level?

21 MR. GRUBA: Right, and just looking
22 at it in the last two minutes here, I suppose
23 it might be considered a third story but I
24 suppose I'd like to take a look at the floor
25 plans and really just kind of delve into it to

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0058

1 see technically how many stories it is. So I
2 apologize, I don't have a clear answer on
3 that.

4 MR. JESHURUN: Does it mean
5 referring to as a half story versus third
6 story change the variance?

7 MR. BYRWA: Well, that would be
8 extra variance to allow a third story, I
9 believe.

10 MR. GRUBA: Because it's two
11 and-a-half stories or 35 feet.

12 MR. BYRWA: Right. So you're--if
13 you are proposing over the square foot on the
14 third floor, then there would be an extra
15 variance to allow a third story.

16 MR. JESHURUN: Does it matter if the
17 square footage essentially staying the same as
18 the existing or no?

19 MR. BYRWA: No, it's based on the
20 floor area below it and it's according to the
21 definition here, if the floor area is less
22 than a third it would be counted as a half
23 story. If it's over a third of the floor area
24 before it it's considered a full story.

25 MR. JESHURUN: Okay.

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0059

1 MR. SZOSTEK: Quick question for
2 the--go ahead.

3 MR. GRONACHAN: Building Department.
4 So are we saying that if it's less than 35
5 feet then we wouldn't need a third variance,

10-13-15

6 correct? Am I understanding that correctly?

7 MR. GRUBA: Well, it would have to
8 be less than 35 feet or less than 2 and-a-half
9 stories, and we're questioning whether that's
10 actually 3 stories.

11 MR. BYRWA: Building height, all
12 right, isn't a variance but the variance for
13 the amount of storeys is what's in question.

14 MR. GRUBA: It has to be full.

15 MS. GRONACHAN: Not one or--

16 MR. GRUBA: Correct.

17 MS. GRONACHAN: So we're not really
18 able to vote on this tonight until we get a
19 clarification, is that where we are going with
20 this?

21 MR. GRUBA: Well, I would--I would
22 like a little bit more time, and I apologize
23 for not having that at my disposal. I'm not
24 sure if the attorney has a different opinion.

25 MR. GILLAM: Based upon the
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0060

1 discussion of the table, no, unfortunately we
2 don't have the benefit of Mr. Walsh's
3 analysis.

4 MS. GRONACHAN: Okay.

5 MR. GILLAM: So I suppose it sounds
6 like the appropriate thing for the Board to do
7 is consider tabling the request for some
8 additional review, but I would suggest if you
9 have any other questions or any discussion
10 relative to the other two variances, that
11 might be appropriate to go ahead, have that
12 discussion tonight with the applicant. If
13 there are any other questions that come up as
14 far as those, then those can be addressed in
15 the same additional analysis.

16 MS. GRONACHAN: Okay. So we are not
17 going to be able to vote on this tonight,
18 which means we'll have to postpone it, and
19 before I ask about any questions can it go
20 till next month, Miss Ramsay?

21 MS. RAMSAY: Next month is November
22 10th, but I guess if they need a third
23 variance we would have to post that in the
24 newspaper and send public notice so we would
25 be looking at December 8th.

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1 MS. GRONACHAN: So we would postpone
2 it until December 8th, okay. If not, if you
3 don't need a third variance, then they can
4 come back next month?

5 MS. RAMSAY: November 10th.

6 MS. GRONACHAN: You'll make sure?
7 So if you don't need a third variance we will
8 see you next month. If you do need a third
9 variance because we have to re-advertise, all
10 right, it wouldn't be until December. And I'm
11 confident that the Building Department will
12 get this resolved quickly, okay, and we will
13 get you some answers.

14 MR. JESHURUN: So we're essentially

10-13-15

15 just waiting to hear essentially if we even
16 need a third variance, which we may or may
17 not?

18 MS. GRONACHAN: Correct. There's
19 enough question here that it looks like you
20 may, but we need further review of the plans
21 as well as the variance in order to determine
22 that, okay?

23 So are there any other questions
24 from the board members referencing any of the
25 other variances? No other questions?

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1 So with that I would like to--is
2 everyone in favor of postponing as discussed
3 with the petitioner? So this case will be
4 postponed. All those in favor say aye.

5 MR. IBE: Aye.

6 MR. SANGHVE: Aye.

7 MS. KRIEGER: Aye.

8 MR. MONTVILLE: Aye.

9 MS. GRONACHAN: Okay.

10 MR. SZOSTEK: May I ask a small
11 clarifying question?

12 MS. GRONACHAN: Sure.

13 MR. SZOSTEK: Perhaps it's to the
14 gentleman from the Building Department. Is
15 the consideration of the first floor a
16 basement also a consideration, because that
17 would make it a two-story structure if not a
18 three-story or two and-a-half?

19 MS. GRONACHAN: I think that's
20 what's causing the problem, correct, the
21 clarification on first floor?

22 MR. GRUBA: well, and also the top
23 floor, I'd like to take a look at both of
24 them, but the way I read it right now it looks
25 like it's three stories, but I'll look at it

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1 again.

2 MR. SZOSTEK: Okay.

3 MS. GRONACHAN: Okay. Just look at
4 it this way, you get to come back and see us.

5 MR. SZOSTEK: I would love that if
6 it wasn't the winter season. I'm just
7 concerned about actually starting the project
8 that will push into the nice portion of next
9 year.

10 MS. GRONACHAN: well, I'll pray for
11 good weather.

12 MR. SZOSTEK: I appreciate that.

13 MS. GRONACHAN: And I'll pray that
14 we get to see you next month. How's that?

15 MR. SZOSTEK: Yeah, thanks.

16 MS. GRONACHAN: So your case will be
17 postponed and the Building Department, please
18 check with them on the further decisions, and
19 then we'll take it from there, okay? we will
20 see you hopefully next month.

21 MR. SZOSTEK: Thanks.

22 MR. JESHURUN: Thank you.

23 MS. GRONACHAN: Thank you.

10-13-15

24 Okay. Our final case for this
25 evening is case number PZ15-0037, Kelly
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1 Brothers on behalf of Oakland Oral Surgery at
2 25000 Joseph Drive, south of Grand River and
3 east of Meadowbrook. The petitioner's
4 requesting a variance for a backup generator.
5 And petitioner's in front of us, so
6 would you please state your name and spell it
7 for the secretary, then raise your right hand
8 and be sworn in.
9

10

JANE ARCAND

11 was thereupon called as a witness herein, and
12 after having first been duly sworn to testify
13 to the truth, the whole truth and nothing but
14 the truth, was examined and testified as
15 follows:

16

MR. IBE: Thank you.

17

MS. GRONACHAN: You may proceed.

18

MR. ARCAND: I am here to represent

19

Kelly Brothers and Oakland Oral Surgery.

20

Oakland Oral Surgery is looking to put a
21 generator at their property, 25000 Joseph
22 Drive. It's a dental office where they do
23 oral surgery, and they house their computer
24 system there that generates to all the other
25 facilities that they have, and if they lose

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0065

1 power then the other systems cannot work as
2 well. So--

3

MS. GRONACHAN: How many other

4

locations are there that it's tied to, please?

5

MS. ARCAND: I believe there's

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three, but I'm not certain.

7

MS. GRONACHAN: Okay. Do you have

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anything else to offer?

9

MS. ARAND: No, other than what I've

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presented to Stephanie. I had sent over
11 everything regarding the generator, the sizes.

12

MS. GRONACHAN: We have that, okay,

13

thank you.

14

Mr. secretary, is there any

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correspondence in the matter of this case?

16

MR. IBE: Madam Chair, this case

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there were 18 letters mailed, 2 letters
18 returned, (unintelligible) letters received.

19

MS. GRONACHAN: Thank you. There's

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clearly no one in the audience to make any
21 comment at this time.

22

Building Department, do you have any

23

comments?

24

MR. GRUBA: No, other than this is a

25

variance request for an accessory structure on
LUZOD REPORTING SERVICE (313)963-1176

0066

1 side yard, 20 feet is required--I'm sorry, 10
2 feet is required, 5 feet is proposed. I can
3 elaborate on any or answer any questions that
4 the Board may have.

5

MS. GRONACHAN: Thank you. Board

10-13-15

6 members? Member Byrwa.
7 MR. BYRWA: Yeah, we're not putting
8 anything combustible or roof over this?
9 MS. ARCAND: No.
10 MR. BYRWA: It's strictly metal, not
11 combustible?
12 MS. ARCAND: Correct. I have a
13 photo of what it would look like.
14 MR. BYRWA: Thank you.
15 MS. ARCAND: Yep.
16 MS. GRONACHAN: Member Sanghvi.
17 MR. SANGHVI: Thank you. I came and
18 saw your site a couple of days ago and also
19 went into the property on the east side and
20 looked over there. Are you likely to lose any
21 parking spots around there on the south side
22 of your building?
23 MS. ARCAND: Parking? Did you say
24 parking?
25 MR. SANGHVI: Are you likely to lose
LUZOD REPORTING SERVICE (313)963-1176

0067

1 any parking spots?
2 MS. ARCAND: No, I would not lose
3 any parking space. It would go alongside the
4 handicap ramp in the back of the building.
5 MR. SANGHVI: Just on the--so it's
6 going to be on the east side of the building?
7 MS. ARCAND: Yes. I can put a
8 drawing up. In the back of the building--I'm
9 going to point--this is the front, this is the
10 back of the building. The generator would go
11 along the back wall where the entrance, that
12 would be a handicap ramp that goes up there.
13 MR. SANGHVI: Thank you.
14 MS. GRONACHAN: Anyone else? Member
15 Krieger.
16 MS. KRIEGER: You have anticipation
17 of hours of operation, would it be daytime or
18 24 hours?
19 MS. ARCAND: It would only exercise
20 once or twice a month for just a few moments.
21 The only time you will hear that generator run
22 is if they lost power. If they lost power,
23 then that generator would have to run.
24 MS. KRIEGER: So it could run all
25 night then? So somebody--if power went down
LUZOD REPORTING SERVICE (313)963-1176

0068

1 at night and the generator would kick in?
2 MS. ARCAND: It would automatically
3 kick in. Maybe no one would be at the
4 facility to turn it off because it
5 automatically transfers when DTE, Consumers,
6 your electrical company, it automatically
7 transfers, you don't put this on manually.
8 MS. KRIEGER: So I'm wondering about
9 anticipation of the sound and are there going
10 to be any barriers around it so that there
11 wouldn't be a disturbance in sound with the
12 neighbors?
13 MS. ARCAND: The decibel rating for
14 this unit while it's operating is 64, so it's

10-13-15

15 very, very low. I don't anticipate that the
16 neighbors would really hear it based upon
17 where it was located. There is nobody on the
18 other side of the, you know, 'cause they are
19 on the side of Grand River. I'm going to
20 point. This would be the Grand River side
21 here. I believe this is Joseph. We have the
22 Kroger main facility for their branch, their
23 headquarters here is behind them. They have a
24 generator, a larger, I'm not sure of their
25 decibels, and then over to the side here there
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0069

1 is another facility but it's a business that's
2 not run at night.

3 MS. GRONACHAN: Thank you. Anyone
4 else? Member Montville.

5 MR. MONTVILLE: Outside of backing
6 up the computer systems for your location,
7 also three additional locations, is this the
8 main backup battery support for the building
9 as a whole? And what I'm getting to is if
10 there's surgery taking place and physicians
11 are in the middle of an operation, is there
12 patient risk involved as well that would be
13 related in support of the backup generator
14 potentially?

15 MS. ARCAND: There would be
16 potential danger to the person that may be
17 under-

18 MR. MONTVILLE: Sure.

19 MS. ARCAND: But if they
20 automatically have that generator turned back
21 on it would definitely help them, and I know
22 that if it was me or my family I wouldn't want
23 that surgeon to be without power so-

24 MR. MONTVILLE: Working in the dark
25 would be a little difficult.

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0070

1 MS. ARCAND: Yes.

2 MR. MONTVILLE: Thank you.

3 MS. GRONACHAN: Anyone else? Okay.
4 Anyone that would like to make a motion?

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

7 MS. GRONACHAN: Okay. Thank you,
8 member Montville.

9 MR. MONTVILLE: I move that we grant
10 the variances requested in case PZ15-0037,
11 Kelly Brothers on behalf of Oakland Oral
12 Surgery at 25000 Joseph Drive. In this
13 particular instance the petitioner has
14 established a practical difficulty, one for
15 the safety of the customers or the patients
16 within the business, and also the computer
17 systems tied to other locations for Oakland
18 Oral Surgery. This particular variance is not
19 self-created due to the sensitive nature of
20 this particular business and the sensitive
21 nature of the patients being operated on
22 within the business. Strict compliance with
23 dimensional regulations, other zoning

24 ordinance--excuse me--would cause not only a
25 practical difficulty but a potential safety
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1 concern for the business and the customers of
2 the business.
3 The petitioner has established the
4 variance is the minimum variance necessary in
5 this particular request due to the low decibel
6 levels of the generator selected and also the
7 high quality aspect of the generator that has
8 been selected in this particular request. The
9 request will not cause an adverse impact on
10 the surrounding businesses, limited
11 residential, and again the petitioner has gone
12 out of their way to select the
13 quietest--excuse me--a low audible quality
14 generator in this particular instance.
15 I move that we support the variances
16 as requested.

17 MR. SANGHVI: Second.
18 MR. BYRWA: Second.
19 MS. GRONACHAN: It's been moved and
20 seconded twice. Is there any further
21 discussion?

22 Seeing none, please call the roll.

23 MS. RAMSAY: Member Ibe?
24 MR. IBE: Yes.
25 MS. RAMSAY: Member Krieger?

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1 MS. KRIEGER: Yes.
2 MS. RAMSAY: Member Sanghvi?
3 MR. SANGHVI: Yes.
4 MS. RAMSAY: Member Byrwa?
5 MR. BYRWA: Yes.
6 MS. RAMSAY: Member Montville?
7 MR. MONTVILLE: Yes.
8 MS. RAMSAY: And Chairperson

9 Gronachan?
10 MS. GRONACHAN: Yes.
11 MS. RAMSAY: Motion passes six to
12 zero.

13 MS. GRONACHAN: Your variance has
14 been granted.

15 MS. ARCAND: Thank you.
16 MS. GRONACHAN: You may seek the
17 building permit.

18 MS. ARCAND: Thank you very much.
19 MR. GRONACHAN: Thank you.

20 That concludes our cases. There is
21 under other matters we have the approval of
22 the 2016 Zoning Board of Appeals calendar
23 dates. Is there any discussion in regards to
24 those dates?

25 Seeing none, all those in favor of

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1 the 2016 Zoning Board of Appeals calendar
2 please say aye. (All stated aye.)
3 MS. GRONACHAN: The 2016 calendar
4 has been approved.

5 Is there any further discussion on

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10-13-15

any other matters this evening?

MR. SANGHVI: May I make a motion to adjourn, Madam Chair?

MS. GRONACHAN: You certainly can.

MR. SANGHVI: Thank you.

MS. GRONACHAN: You beat me to it.

All those in favor of adjournment say aye. (All stated aye.)

MS. GRONACHAN: Meeting adjourned.
(The hearing was concluded at
8:20 p.m.)

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1 STATE OF MICHIGAN)
2) SS
3 COUNTY OF WAYNE)

I, Suzanne M. Green, certify that this proceeding was taken before me on the date hereinbefore set forth; that the foregoing statements were recorded by me stenographically and reduced to computer transcription; that this is a true, full and correct transcript of my stenographic notes so taken.

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

IN WITNESS WHEREOF, I hereunto set my hand at the City of Milford, County of Oakland, State of Michigan, this 20st day of October, 2015.

Suzanne M. Green, CSR-3887
Oakland County, Michigan
My Commission expires: 7/25/20

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