

1 REGULAR MEETING - ZONING BOARD OF APPEALS
 2 CITY OF NOVI
 3 Tuesday, June 11, 2013

4
 5 Proceedings taken in the matter of the ZONING
 6 BOARD OF APPEALS, at City of Novi, 45175 West Ten Mile
 7 Road, Novi, Michigan, on Tuesday, June 11, 2013

8 BOARD MEMBERS
 9 Linda Krieger, Acting Chairperson
 10 Jeffrey Gedeon
 11 Brent Ferrell
 12 Rickie Ibe

13 ALSO PRESENT: Charles Boulard, Building Official
 14 Beth Saarela, City Attorney
 15 Coordinator: Angela Pawlowski, Recording Secretary

16
 17 REPORTED BY: Jennifer L. Wall, Certified Shorthand
 18 Reporter

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1 Novi , Mi chi gan.
2 Tuesday, June 11, 2013
3 7: 00 p. m.
4 ** ** **
5 CHAI RPERSON KRI EGER: Good
6 eveni ng. Wel come to the Zoni ng Board of
7 Appeal s Ci ty of Novi regul ar meeti ng for
8 Tuesday, June 11, 7: 00 p. m.

9 And if we could all rise for
10 the Pledge of Allegiance.

11 (Pledge recited.)

12 CHAIRPERSON KRIEGER: Ms.
13 Pawlowski, if you can please call the roll.

14 MS. PAWLOWSKI: Member Gedeon?

15 MR. GEDEON: Here.

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

18 Member Ghannam is absent,
19 excused.

20 Member Ibe?

21 MR. IBE: Present.

22 MS. PAWLOWSKI: Chairperson
23 Krieger?

24 CHAIRPERSON KRIEGER: Present.

25 MS. PAWLOWSKI: Member Sanghvi is

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4

1 absent, excused.

2 Member Ferrell?

3 MR. FERRELL: Here.

4 CHAIRPERSON KRIEGER: And this is
5 a public hearing, and rules of conduct are in
6 the back -- and the agenda are on paper in
7 the back of the room.

8 If you could turn your
9 cellphones and pagers so they will not have
10 sound.

11 We could also have tonight's
12 approval of the agenda. Are there any
13 additions or removals?

130611.txt

14

MR. BOULARD: No.

15

CHAIRPERSON KRIEGER: Hear a

16

motion to approve the agenda.

17

MR. GEDEON: So moved.

18

MR. IBE: Second.

19

CHAIRPERSON KRIEGER: All in

20

favor say aye.

21

THE BOARD: Aye.

22

CHAIRPERSON KRIEGER: Any

23

opposed?

24

(No audible responses.)

25

CHAIRPERSON KRIEGER: Seeing

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5

1

none, the approval of the agenda is in order.

2

Minutes, we do not have minutes

3

this month, so it will be next month.

4

Public remarks, if anyone has

5

any comments regarding anything except the

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cases when we call them, could come up and do

7

so.

8

And also there will be four

9

members. We do not have a full board. If

10

any of you would like to reconsider and have

11

your meeting (sic.) tabled to the next month,

12

when we might have a full board, you are free

13

to do so.

14

Any public remarks?

15

(No audible responses.)

16

CHAIRPERSON KRIEGER: Okay.

17

Seeing none, public remarks is closed.

18

First Case No. PZ13-0014, for

19 Odo ba Mexi can Grill. If you could --
20 regarding that, we have to -- in order to
21 hear it, we have to have someone make a
22 moti on?

23 MS. SAARELA: Basic ally what we
24 are going to do is the applicant is going to
25 come up and state his request for

♀

6

1 reconsi derati on and give you some reasons why
2 he's requesti ng reconsi derati on.

3 At that point I will give you a
4 little bit of background. You know, what a
5 moti on for reconsi derati on entails, who can
6 make it and what to do if you actually pass
7 the moti on.

8 CHAIRPERSON KRIEGER: Okay. If
9 you would like to come up to the podium. And
10 if you could state your name and spell it for
11 our court reporter.

12 MR. SCHULTZ: Ryan Schul tz. I am
13 project manager for Merci er Devel opment.

14 CHAIRPERSON KRIEGER: If you're
15 not an attorney, if you could be sworn in by
16 our secretary.

17 MR. GEDEON: If you both will be
18 speaki ng, could -- both your names, please.

19 MR. ECKERT: Thomas Eckert,
20 E-c-k-e-r-t.

21 MR. GEDEON: In Case PZ13-0014,
22 26401 Novi Road, do you swear to tell the
23 truth tonight?

24 MR. SCHULTZ: I do.

25 MR. ECKERT: I do.

7

1 MR. SCHULTZ: Once again, my name
2 is Ryan Schultz. I'm project manager for
3 Mercier Development. We are the parent
4 company that is developing the center at the
5 corner of Novi and Crescent Boulevard.

6 I'm here tonight on behalf of
7 our tenant, Qdoba.

8 I'd like to first off apologize
9 for the presentation last time. I was not at
10 that hearing. We heard there were a number
11 of confrontational remarks made, that fell
12 short of the way that both we feel we should
13 be represented, and Qdoba as well, so that's
14 why we are approaching you tonight for
15 consideration to reopen the original
16 petition.

17 Do I actually make argument on
18 that? This is the first time I've had to
19 reopen a petition, so --

20 MS. SAARELA: Why don't you give
21 some reasons why, if you have reason --
22 additional information that you think is, I
23 guess, needed for reconsideration that would
24 give them a reason to reopen.

25 MR. SCHULTZ: Certainly. From

8

1 what I gather, the meeting minutes have been
2 not released from the last meeting. I think

3 there was a number of arguments that were
4 made that weren't necessarily truthful and
5 became very combative.

6 I think we have a -- we have a
7 couple of exhibits that we have put together
8 that show proposed signage that we are
9 looking for and Qdoba is looking for. Those
10 were not presented at the last meeting. I
11 think it will be helpful to show those to you
12 to get a better understanding on why we think
13 it's valued that we pose signage on Crescent
14 Place Boulevard.

15 MS. SAARELA: Okay. When a
16 motion to reconsider is being made or is
17 being requested by the applicant, generally
18 the purpose of reconsidering a vote is to
19 permit correction of hasty, ill-advised or
20 erroneous actions or to take into account
21 added information, or a changed situation
22 that has developed since the taking of the
23 vote.

24 The motion for reconsideration
25 can be made only by a member who voted with

1 the prevailing side.

2 So last time the motion to deny
3 was made, only someone who voted yes on the
4 motion to deny can make the motion to
5 reconsider the matter in this case.

6 The motion to reconsider has to
7 be made, you know, by the next meeting after,
Page 7

8 so they're within their time limits to
9 request reconsideration.

10 If someone does move to
11 reconsider, and it's seconded, you would just
12 require a majority of the members that are
13 here to approve that motion to reconsider
14 then the whole matter can be brought before
15 you for discussion again.

16 I guess, unless you have any
17 questions, those are the basics of the motion
18 to reconsider.

19 CHAIRPERSON KRIEGER: Anybody
20 have any questions?

21 MR. IBE: I have one question.

22 MS. SAARELA: Yes.

23 MR. IBE: This is just in
24 fairness to the applicant. Perhaps it might
25 be a good idea for us to know the basis for

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10

1 the motion to reconsider first because
2 chances are that I may not move to second or
3 do anything because I do not want to
4 reconsider anything yet.

5 So obviously when a motion is
6 made to reconsider, it might be good if I can
7 get -- if the motion is going to be made by a
8 party, I think Member Gedeon was the only
9 party that voted yes. If he's going to
10 obviously give us good reason --

11 MS. SAARELA: Well, it would be
12 the prevailing party.

13 So the people who can make the
14 motion here would be you, Member Sanghvi, who
15 is not here, Member Ferrell, who is acting as
16 a regular member this time, or Member
17 Krieger.

18 Because Member Gedeon voted
19 against it, he can't --

20 MR. IBE: He cannot, very well.

21 Well, I ask then perhaps if the
22 applicant came -- maybe it's not a proper
23 fashion, but if you can at least give us a
24 good reason why we should even --

25 MS. SAARELA: He can go into an

1 expanded presentation at this point.

2 MR. IBE: Absolutely. Because
3 like right now, as it stands, I'm not
4 inclined to make any motions or second any
5 motions, unless I have heard something that
6 tells me otherwise that is new, otherwise
7 what from what I have heard the last time,
8 so --

9 MS. SAARELA: He can feel free to
10 make his whole presentation and then what we
11 would do if someone didn't reconsider, it
12 would allow you to open up the whole thing
13 for rediscussion.

14 MR. IBE: Very well.

15 CHAIRPERSON KRIEGER: If you
16 would like to go ahead and continue with the
17 presentation.

18 MR. SCHULTZ: I do want to ask
19 one question because we do not have a full
20 board here.

21 If at any time can we choose to
22 withdraw the petition --

23 MS. SAARELA: If you wanted to
24 wait for a full board, you would have to wait
25 until they move to reconsider, unfortunately

12

1 because a motion to reconsider has to be
2 approved at the next meeting, so then we
3 would be pushed into another meeting.

4 MR. SCHULTZ: An additional
5 question piggybacked onto that, if we choose
6 to withdraw the petition, what is the time
7 frame to reapply for potentially a different
8 scenario?

9 MS. SAARELA: If you're seeking
10 different relief?

11 MR. SCHULTZ: Yes.

12 MS. SAARELA: I mean, if you're
13 submitting a new proposal to the city, to
14 community development, you could then either
15 get, you know, an approval or a rejection and
16 you go from there. It's like starting over.

17 MR. SCHULTZ: I just want to be
18 clear.

19 So to move into a presentation.
20 We were here about a year ago this time when
21 we originally sought variances to develop
22 this project.

23 Novi Crescent, parent name of
24 this project, has some unique characteristics
25 within the community. It is fronted on three

13

1 sides by streets. Expo Center drive being on
2 the west, Novi -- or Crescent Boulevard being
3 the north/south road, and then Novi Road
4 being on the east.

5 That presents kind of unique
6 characteristics in that we are subject to
7 three front yard setbacks.

8 Like I said, we were here a
9 year ago to get relief from that to allow the
10 development to move forward.

11 Those setbacks create kind of a
12 unique situation and also piggyback on the TC
13 district which requires that we push the
14 building almost up to the right-of-way, or
15 onto the right-of-way, and then park in the
16 rear.

17 This doesn't really allow us
18 for a traditional monument sign in a very
19 traditional type development where you could
20 get bi-directional exposure to that sign on
21 two lanes of traffic.

22 Other places in the community,
23 I will point out, this is at the corner of
24 Novi and Grand River, very similar type
25 development, also in the TC district. This

14

1 is the AT & T building, a view looking at the
2 building from inside the development.

3 They have signage on the back
4 of the building. They also have signage on
5 the front of the building facing Grand -- I'm
6 sorry, facing Novi Boulevard.

7 Same type of situation like I
8 mentioned, at our development, which is
9 consistent with the TC district. It's
10 somewhat critical to provide both a
11 pedestrian view of the sign, from the walk-by
12 traffic, and then the car traffic which is
13 parking in the rear, also needs, in our mind,
14 a clear view of the tenant that they're
15 approaching, which is the scenario you see
16 here.

17 Odoaba has elected, given the
18 unique nature of the site, instead of
19 pursuing that sign on the back of the
20 building, to rotate it around. What they're
21 doing is looking at the traffic heading on
22 Novi Road towards the expressway, trying to
23 capture that traffic at the stoplight, and
24 they're also planning for the future when
25 Novi Crescent Boulevard gets developed and

♀

15

1 becomes a major bypass of the Novi Road/Grand
2 River corridor. If they feel it's
3 (unintelligible) to capture customers from
4 that angle as well.

5 I do want to point out a couple

6 other scenarios within the community also in
7 the TC district.

8 The Blinds To Go building
9 directly across the street, this is directly
10 across Novi Boulevard -- I'm sorry, Crescent
11 Boulevard, signage on the front of the
12 building and signage on the side of the
13 building, similar to the proposal that Qdoba
14 is proposing.

15 We do have another picture.
16 This may be blurry. This one is a little
17 darker, same situation. This is the same
18 building, not as readable, these change these
19 lights.

20 We have prepared a mock-up,
21 too. I don't know if you had a chance to
22 drive by the site, that was requested at the
23 last meeting, I believe, through
24 correspondence with Qdoba. It was applied to
25 the building. We do have images of that.

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16

1 This is a vinyl stencil that
2 was put on the building to give a more
3 accurate representation of the photo
4 rendering of what we are proposing, fairly
5 small in nature. It does meet the criteria
6 wall signage square-footage wise, color-wise.
7 It does fit within the style of the building
8 that we are proposing.

9 There will be another sign
10 adjacent on Novi Road, so the two corners

11 130611.txt
would have signage.

12 We felt this was pretty
13 critical to show you to give a better
14 understanding of what it would actually look
15 like in real form.

16 That is kind of a summary of
17 where we are at, at this point, and the value
18 that we really see having the signage on
19 Crescent Boulevard.

20 We can open it up to questions,
21 concerns, or a motion to rehear.

22 MR. GEDEON: Well, I know I'm not
23 entitled to make the motion tonight, but I
24 think something else that might help the
25 decision process.

17

1 With the examples you provided
2 with the blinds store and the AT & T store,
3 are you aware if those were two signs by
4 right, or if that was something that this
5 board had allowed?

6 MR. SCHULTZ: I believe they have
7 been developed when the TC district was in
8 place. According to the ordinance, those two
9 signs would have had to have a variance
10 applied for.

11 MR. BOULARD: I know that there
12 are a number of those -- a number of the
13 occupants there, I believe the AT & T and
14 also Bagger Daves, I think, I recall that
15 those have variances.

16 I don't specifically recall
17 about -- this was prior to my current memory.
18 But there were variances granted for a number
19 of the other signs in that area.

20 CHAIRPERSON KRIEGER: Can we
21 proceed with questions or do we have to go
22 for the reconsideration?

23 MS. SAARELA: Yes, you have to
24 decide whether you're going to reconsider or
25 not, before you start actually, you know,

18

1 discussing the matter as a board, you know,
2 whether grant or deny the actual variance.

3 It's already been denied, so
4 there is no means of rediscussing the whole
5 thing, unless it's back on the floor.

6 CHAIRPERSON KRIEGER: Are there
7 any questions or a motion?

8 MR. IBE: Mr. Boulard -- is that
9 okay?

10 CHAIRPERSON KRIEGER: Yes.

11 MR. IBE: The Bagger Daves, I
12 remember when that came before us, wasn't
13 there a variance because it has two
14 frontages? It has -- the back of it is to
15 Novi Road, isn't that correct, and then the
16 front is actually facing the Novi Town
17 Center. Is.

18 That why there were two signs
19 on that one?

20 MR. BOULARD: I can't speak to

21 the thought process. I do recall that there
22 was discussion that there is -- it has Novi
23 Road frontage, it also has frontage on the
24 intern -- on the street that provides the
25 internal circulation for the center.

19

1 One of the comments during that
2 was that as you drove by on Novi Road, and
3 you saw the business, it was a fairly
4 (unintelligible) route to get to the other
5 side where the entrance was.

6 I don't specifically recall
7 that it was because the entrance to the
8 building was one of the other -- although, in
9 fact, I think with Bagger Daves, their
10 entrance, you know, their only entrance is on
11 the other side.

12 MR. IBE: That's correct.

13 How long ago, maybe I wasn't
14 here, The Blinds To Go, I don't know -- I
15 don't think that's --

16 CHAIRPERSON KRIEGER: That was
17 before my time, too.

18 MR. IBE: That was before my
19 time, so obviously -- is that one -- is the
20 Blinds To Go that's on the same side as the
21 business that's on --

22 CHAIRPERSON KRIEGER: Across the
23 street, across Crescent.

24 For the Town Center
25 consideration that they were planning the

1 opening of the road, is there a date where
2 they're intending for that road to be
3 finalized?

4 MR. BOULARD: The Crescent
5 Boulevard?

6 CHAIRPERSON KRIEGER: From Novi
7 Road to Grand River?

8 MR. BOULARD: I understand that
9 there is some preparations that were made for
10 that, or in the process of being made for
11 that.

12 However, at this point, my
13 understanding is that it's dependent on
14 getting some additional grant funding and
15 things like that.

16 So I think the city obviously
17 wants to build that, to participate, but it
18 depends on getting some grant funding,
19 finding some businesses to develop there, so
20 it's definitely planned, but there was no
21 firm date.

22 CHAIRPERSON KRIEGER: So at some
23 point Crescent Boulevard will be a more --
24 there will be more traffic on that road, so
25 it will be consideration for any businesses

1 coming in there and considering their signs
2 for us to consider as well?

3 MR. BOULARD: I certainly can't
4 disagree with that.

5 CHAIRPERSON KRIEGER: Okay.

6 MR. IBE: Now, I have a question
7 of the city attorney.

8 If a motion is made to
9 reconsider, and unless it was carried, will a
10 decision be made on the -- will the
11 finality -- the disposition of this -- be on
12 this case today?

13 MS. SAARELA: If someone moves to
14 reconsider, anyone can second it, then if
15 there is a majority that want to reconsider,
16 then yes, you can reopen the whole merits of
17 the case up for discussion and vote on it
18 again, if that happens.

19 CHAIRPERSON KRIEGER: If they
20 wanted to table it, we can do that as well?

21 MS. SAARELA: If they
22 potentially -- you know, more information
23 they wanted to present or something, or,
24 yeah, after the motion -- if the motion to
25 consider is granted, then they can table it

♀

22

1 for the full board.

2 MR. IBE: In fairness to the
3 applicant, and I'd like to be fair to
4 everyone.

5 I can -- I'm not making a
6 motion, I'm just making a comment. I can
7 make a motion to reconsider, however, there
8 will be no disposition of this case today.
9 It has to be tabled for the full board

10 because I will not be voting on finality in
11 this case today, other than maybe to
12 reconsider it, so that this applicant can
13 present their case before a full board and
14 allow people to either sway me other way one
15 or the other, and sway the members one way or
16 the other, rather than four of us make a
17 decision that we had a six to one.

18 I mean, I just think that will
19 not be a very good way for maybe two or
20 three -- three of us here to make a decision
21 that -- where we headed -- we had a full
22 board before.

23 So if I'm inclined to make a
24 motion to reconsider, if it carries today, I
25 will ask, with all due respect to the

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23

1 applicant, that the matter be tabled for the
2 next hearing, when we have a full board for
3 full consideration and have you present to
4 the rest of the members, that way they can
5 have the opportunity to have their say?

6 CHAIRPERSON KRIEGER: Would you
7 be agreeable to that?

8 MR. SCHULTZ: We are certainly
9 agreeable to that decision.

10 MR. IBE: Very well.

11 That being said, may I make a
12 motion?

13 CHAIRPERSON KRIEGER: Yes.

14 MR. IBE: Very well.

15 In Case No. PZ13-0014, 26401
16 Novi Road, Qdoba Mexican Grill, the applicant
17 has appeared before the board for a motion to
18 reconsider the full position that was
19 rendered in the month of May 2013.

20 The applicant has presented
21 sufficient minimal evidence to warrant for
22 the board to consider its decision and to
23 reopen this case.

24 Based on what was presented, I
25 respectfully move that the decision that was

24

1 made be reconsidered and that this case be
2 reopened for full discussion.

3 MR. FERRELL: I second that.

4 CHAIRPERSON KRIEGER: Can we have
5 a motion and a second? Any other comments or
6 questions?

7 (No audible responses.)

8 CHAIRPERSON KRIEGER: Ms.
9 Pawlowski, if you call the roll, please.

10 MS. PAWLOWSKI: Member Gedeon?

11 MR. GEDEON: Yes.

12 MS. PAWLOWSKI: Member Ibe?

13 MR. IBE: Yes.

14 MS. PAWLOWSKI: Chairperson
15 Krieger?

16 CHAIRPERSON KRIEGER: Yes.

17 MS. PAWLOWSKI: Member Ferrell?

18 MR. FERRELL: Yes.

19 MS. PAWLOWSKI: Motion passes

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four to zero.

CHAIRPERSON KRIEGER: See you
next month.

So we have confirmed to reopen
it.

MR. SCHULTZ: Just confirm

that --

CHAIRPERSON KRIEGER: I just want
to confirm then, would you like to --

MR. SCHULTZ: Yes, we would like
to table based on your request to hear in
front of a full board.

CHAIRPERSON KRIEGER: Mr.
Boulard?

MR. BOULARD: If the board could
make a motion to postpone to a date certain,
then we would need to --

CHAIRPERSON KRIEGER: July 9th.

MR. IBE: Based on the
applicant's request to postpone the
conversation of this matter, I hereby move
that this matter, Case No., PZ13-0014, 26401
Novi Road, Qdoba Mexican Grill be postponed
to the July 9, 2013 meeting.

MR. FERRELL: Second.

CHAIRPERSON KRIEGER: We have a
motion and a second.

Any other comments or
questions?

25

CHAIRPERSON KRIEGER: Seeing

26

1 none, Ms. Pawlowski, can you call the roll.

2 MS. PAWLOWSKI: Member Gedeon?

3 MR. GEDEON: Yes.

4 MS. PAWLOWSKI: Member Ibe?

5 MR. IBE: Yes.

6 MS. PAWLOWSKI: Chairperson

7 Krieger?

8 CHAIRPERSON KRIEGER: Yes.

9 MS. PAWLOWSKI: Member Ferrell?

10 MR. FERRELL: Yes.

11 CHAIRPERSON KRIEGER: Thank you.

12 MR. SCHULTZ: Thank you very

13 much.

14 CHAIRPERSON KRIEGER: The next
15 case is PZ13-0020, for 45843 Strathaven. If
16 the applicant could come to the podium.

17 If you could state your name
18 and spell it for our court reporter, and
19 if you're not an attorney, please be sworn in
20 by our secretary, please.

21 MR. CANZANO: My name is
22 Nick Canzano, representing Canzano
23 Contracting. We are the applicant.

24 MR. GEDEON: Could you spell your
25 last name.

27

1 MR. CANZANO: C-a-n-z-a-n-o.

2 MR. GEDEON: In Case PZ13-0020,

3 do you swear to tell the truth?

4 MR. CANZANO: I do.

5 Everybody has a package, I take
6 it. We are asking here for basically a
7 simple setback variance.

8 We have a vacant lot here of
9 approximately 100 by 120 with extremely
10 imposing setbacks when compared to the
11 surrounding homes in this neighborhood. The
12 existing setbacks here are combined front and
13 back setback of I want to say 90 feet, and
14 side yard of 50, which basically leaves a
15 building envelope of about 25 by 35,
16 somewhere in that neighborhood.

17 Without a variance on this lot,
18 I mean, that lot would remain vacant forever.
19 And there are many, many single family homes
20 in this neighborhood that have all somehow
21 managed to have a home built on them, so
22 I'm -- from what we understand most of them
23 have been built with variances.

24 So we are here to try to, you
25 know, ultimately build a single family home

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1 on this lot.

2 CHAIRPERSON KRIEGER: Is that it?

3 MR. CANZANO: Pretty much, yes.

4 CHAIRPERSON KRIEGER: Thank you.

5 Anybody in the public have any comments
6 regarding this case?

7 Come forward and say your name

8 and spell it for our court reporter.

9 MR. NELSON: My name is Gregory
10 Nelson, N-e-l-s-o-n.

11 CHAIRPERSON KRIEGER: Are you an
12 attorney?

13 MR. NELSON: No. I'm the chair
14 of the architectural committee in Pioneer
15 Meadows where this home is proposed.

16 MR. GEDEON: In Case PZ13-0020,
17 do you swear to tell the truth?

18 MR. NELSON: Yes.

19 So back in April, I received a
20 request to -- hearing notice, right, because
21 I live nearby, in addition to being the chair
22 of the association, board and was a bit
23 surprised to get that because we didn't have
24 any interaction with Mr. Canzano, maybe at
25 some point I can follow-up with the city.

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1 I don't know how this one kind
2 of trickled through without a letter from the
3 association.

4 But aside from that, the
5 setbacks that were requested at the time were
6 50 feet in the front, which -- I'm sorry,
7 30 feet in the front is what they were
8 requesting.

9 We have had a flurry of new
10 builds back from 2003, there have been five
11 new builds since then. It's an older
12 neighborhood, about 40 years old, so in the

13 past ten years there has been five new
14 builds.

15 All five of them we have been
16 here asking for a variance.

17 And the variance that
18 Mr. Canzano is requesting is very consistent
19 with the other builds. We republished our
20 bylaws in 2006 to make it very clear, you
21 know, what conditions and what setbacks are
22 required, to be very consistent with the
23 other homes.

24 So what they're proposing, with
25 this setback of 40 feet in the front, 40 feet

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1 in the rear, 20 feet on either side are
2 consistent and we are in full support of them
3 building this home.

4 And I would ask considering
5 that they have been patiently waiting, and
6 they had to pay twice to, you know, go out
7 with the notice, that we expedite their
8 approval and we let them move forward with
9 their project.

10 CHAIRPERSON KRIEGER: Thank you.
11 Anyone else?

12 (No audible responses.)

13 CHAIRPERSON KRIEGER: Seeing
14 none.

15 Anything from our counsel or
16 from the city?

17 MS. SAARELA: I have nothing to

18 add.

19 MR. BOULARD: Just a couple of
20 points. One, it is an existing
21 non-conforming lot, so it would be
22 challenging to build a house on this, a
23 typical lot in this zoning district would be
24 closer to an acre, this is about .27. So
25 also, there is an elevation provided, so you

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1 can see what the house would look like. It
2 is, as I understand it, just exactly reverse
3 of what it would be because it was flipped on
4 the bottom, but that is provided.

5 And if there is any questions,
6 I will be happy to answer them.

7 CHAIRPERSON KRIEGER: And then
8 from the board?

9 MR. GEDEON: I have a question
10 for the city. Could you just explain the RA
11 district and why there is a subdivision --
12 that seems to be an existing subdivision, but
13 with that zoning?

14 MR. BOULARD: I don't know when
15 the zoning changed and the zoning was
16 updated.

17 In a case where -- I believe in
18 this case, most of the subdivision was built
19 out sometime ago, there is some remaining
20 lots. When zoning has changed or updated,
21 the effort is made to try to get it as close
22 as possible without doing disservice to the

23 existing building owners by adopting a
24 standard that's less.

25 So err on the side of caution

32

1 and where needed, similar to the lots that
2 are down by the lake that are, you know, 30
3 feet wide and things like that, with existing
4 non-conforming. So the lot has been there
5 for a long time and it hasn't been developed,
6 and this is the appropriate venue to conform
7 it.

8 MR. GEDEON: Just a little bit of
9 a clarification, what is the RA district, and
10 what is the intended purpose of an RA
11 district?

12 MR. BOULARD: The RA district
13 is -- if someone were developing a
14 neighborhood in the RA district now it would
15 be one acre lots essentially.

16 MR. GEDEON: I guess to the other
17 board members, I think this is a pretty easy
18 one to approve. I mean, it seems consistent
19 with the neighboring houses and clearly the
20 community, through its architectural board is
21 supportive of it and I have no problem with
22 this.

23 CHAIRPERSON KRIEGER: Sorry.
24 Regarding the case, if you could also read in
25 the correspondence.

33

1 MR. GEDEON: Sorry. In Case
Page 27

2 PZ13-0020, there were 25 notices mailed out.
3 Three were returned and one approval.

4 The approval comes from first
5 initial T, last name is Zalinski, 25788 Beck
6 Road, and it simply says approval.

7 CHAIRPERSON KRIEGER: All right.
8 I'm sorry, any comments?

9 MR. GEDEON: I mentioned the
10 comments to the board, I have got no problem
11 with approving this. It seems consistent
12 with the neighborhood and supported by the
13 neighborhood association. So I have no
14 problem with this.

15 CHAIRPERSON KRIEGER: Do you have
16 any comments?

17 MR. FERRELL: No.

18 MR. IBE: I'll make a motion.

19 CHAIRPERSON KRIEGER: Go ahead.

20 MR. IBE: Madam Chair, in Case
21 No. PZ13-0020, 25843 Strathaven, I move that
22 we grant the applicant's request as stated by
23 the applicant for the following reasons.

24 One, there are unique
25 circumstances or physical conditions of the

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1 property such as the narrowness, shape, water
2 topography, similar physical conditions and
3 the need for the variance is not due to the
4 applicant's personal or economic difficulty
5 because.

6 The applicant has eloquently
Page 28

7 stated that there are extremely imposing
8 setbacks with this lot that makes it very
9 difficult to build a single family home
10 there. And so obviously, granting the
11 variance would be the only way to accomplish
12 the goal of building a home on this
13 particular lot.

14 Second, the need is not
15 self-created for the following reasons. One,
16 it is -- the lot itself, as stated by
17 Mr. Boulard, is a non-confirming lot, and
18 therefore, that makes it, in fact, more
19 unique to warrant a variance.

20 And this lot obviously has been
21 vacant for a long time as was stated by both
22 the city as well as the applicant. And this
23 by itself warrants a need for a variance.

24 Third, the requested variance
25 is the minimum variance necessary to do

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1 substantial justice to the applicant as well
2 as to the other property owners in the
3 district.

4 And finally, the requested
5 variance will not cause an adverse impact on
6 surrounding property or property values or
7 the use and enjoyment of the property in the
8 neighboring or zoning district.

9 In fact, granting this variance
10 will be consistent with other variances that
11 were granted to other homes that have been

12 built recently in this particular
13 subdivi si on.

14 Also the chair, I believe, of
15 the sub was here, and eloquently stated as
16 well that they are not in opposition to the
17 granting of this variance.

18 And finally, the development of
19 this lot would actually enhance the
20 neighborhood and improve the property values
21 that are of the surrounding homes in this
22 subdivi si on. Therefore, I move that the
23 applicant's request be granted.

24 CHAIRPERSON KRIEGER: Is there a
25 second?

1 MR. FERRELL: Second.

2 CHAIRPERSON KRIEGER: Any other
3 comments?

4 My comment would be thank you
5 also for when you're -- in building the home
6 that you're consistent with the other homes
7 in the area which is agreeable with the
8 homeowners in that sub as well?

9 MR. CANZANO: Absol utel y.

10 CHAIRPERSON KRIEGER: Thank you.

11 And Ms. Pawlowski, can you call the roll.

12 MS. PAWLOWSKI: Member Gedeon?

13 MR. GEDEON: Yes.

14 MS. PAWLOWSKI: Member Ibe?

15 MR. IBE: Yes.

16 MS. PAWLOWSKI: Chai rperson

17 Krieger?

18 CHAIRPERSON KRIEGER: Yes.

19 MS. PAWLOWSKI: Member Ferrell?

20 MR. FERRELL: Yes.

21 MS. PAWLOWSKI: Motion passes
22 four to zero.

23 CHAIRPERSON KRIEGER: Thank you.
24 Congratulations.

25 Our third case is PZ13-0024,

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1 48700 Grand River Avenue. If you could come
2 to the podium.

3 MR. CAPELLO: Kim Capello on
4 behalf of the applicant, 26444 Taft Road.

5 This is the old Jimmy Rustics
6 building, as most of you know it was an
7 outdoor furniture store in its initial use.
8 It went into foreclosure, and it was
9 purchased out of foreclosure and my client
10 has purchased it from the foreclosure
11 purchasers.

12 The purchasers are two
13 individuals, they're residents of Novi, their
14 company has been leasing space in Southfield
15 for several years. They have been looking
16 for a location in Novi.

17 When this became available,
18 they jumped at the opportunity to purchase
19 the property.

20 The property is somewhat
21 unique. At one time the entire property was

22 part of Don's of Traverse City, as you know,
23 Twelve Mile Road and Grand River comes to an
24 intersection there which creates a triangle.

25 The Jimmy's Rustics building

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1 actually now is more of a trapezoid. It has
2 frontage on Grand River Avenue and has
3 frontage on Twelve Mile Road.

4 Furniture stores have always
5 been problematic in the city, in their reuse
6 we have amended the ordinance several times
7 over the last 20 years to try to think ahead
8 and compensate if the furniture store goes
9 out of business, such as Scott Shuptrine did
10 over -- the ABC Warehouse now.

11 And even though we do that, the
12 ordinance still doesn't satisfy all of the
13 needs of future users.

14 The user here is unique. This
15 is an office known industry -- I'm sorry, an
16 office owned business. If a straight office
17 went into this building it could not meet the
18 office parking requirements.

19 This business is somewhat
20 unique because this site plan, the building
21 footprint, as Charles may have seen, there
22 is -- a large area of their space is
23 dedicated to a showroom. A lot of their
24 staff is sales staff which are out of the
25 office, which a showroom and a sales staff

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1 reduces the amount of parking that they need.

2 Also it's unique because of the
3 frontage on Grand River and frontage on
4 Twelve Mile Road, there is a pass-through, an
5 emergency access along Twelve Mile Road,
6 along the east side of the building which
7 takes up a lot of the could-be parking area.

8 It's all pavement, but it's
9 designated for a fire (unintelligible), so
10 there is no parking available there, even
11 though the space is available.

12 The property is unique. We are
13 here tonight asking for two variances.

14 The first variance we are
15 asking for is a three and a half foot
16 variance into the setback along Twelve Mile
17 Road, to add, I think it's 12 additional
18 parking spaces.

19 We're only going three and a
20 half feet into the setback of Twelve Mile
21 Road.

22 The benefit to the city and the
23 community in granting this variance is under
24 the old ordinance there was minimal
25 landscaping required along Twelve Mile Road

1 between the parking and Twelve Mile Road.

2 Under the new ordinance in that
3 particular area, where the additional parking
4 is going to be granted, it's going to be

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landscaped.

So even though the parking is going into the setback, from Twelve Mile Road it's going to be more esthetically pleasing than it currently is, not encroaching the setback.

The other variance we're asking for, is we're asking for land banks and parking, which was approved by the planning commission.

There is -- along Grand River Avenue in the front of the building, there is an area now that it is somewhat landscaped, we are going to develop that more into a landscape area, three parking places, next to the landscape area, in front of the building along Grand River we also want a land bank, take the asphalt out and turn that into a landscape area to make it more pleasing at the front of the building, more pleasing for Grand River Avenue.

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Now, the ordinance that provides for, as you know, for land bank parking, says that there has to be a minimum of 45 parking spaces before we can apply for the land bank. With the additional 12, we have 43 spaces, so we need a variance from you to allow land bank parking with the minimum of 43 spaces instead of 45.

Overall for the business, for

10 the community, it's a win-win. We are moving
11 into a property on Grand River Avenue that's
12 been vacant for several years, it seems
13 somewhat rundown, they're going to re-facade
14 the entire front of the building, and it's
15 going to be more pleasing for Grand River
16 Avenue.

17 So we are asking for those two
18 variances from you tonight.

19 CHAIRPERSON KRIEGER: Anyone in
20 the public that has any questions?

21 (No audible responses.)

22 CHAIRPERSON KRIEGER: Seeing
23 none. From our counsel or the city?

24 MS. SAARELA: I have nothing to
25 add.

♀

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1 MR. BOULARD: Nothing to add. I
2 will stand by for questions.

3 CHAIRPERSON KRIEGER: Any
4 correspondence?

5 MR. GEDEON: In Case PZ13-0024,
6 there were 15 notices mailed out, two
7 returned mail, zero approvals and zero
8 objections.

9 CHAIRPERSON KRIEGER: We will
10 open it up to the board. Any comments,
11 questions or motions?

12 MR. IBE: I'm familiar with this
13 property. Question here.

14 I drive by this road every day

15 and it is quite welcoming to know that
16 someone is actually going to move into that
17 place. I think any kind of development in
18 that part of Novi will only make things
19 better for us. So I am very enthusiastic
20 about this particular one.

21 I have no objections at all. I
22 will be glad to vote for this.

23 CHAIRPERSON KRIEGER: Thank you.

24 MR. GEDEON: I also have no
25 issues with this. Seems fine to me.

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1 MR. FERRELL: Same with me. I'm
2 just glad we are doing something with one of
3 the buildings that is starting to get
4 rundown, like you said. I'm definitely
5 supportive of this.

6 MR. CAPELLO: Thank you.

7 CHAIRPERSON KRIEGER: I also have
8 no -- it's nice to see it turnaround then
9 have a new business come in, and not like in
10 ten years, but rather sooner.

11 MR. GEDEON: Would like to
12 propose a motion.

13 CHAIRPERSON KRIEGER: Go ahead.

14 MR. GEDEON: In Case PZ13-0024,
15 48700 Grand River Avenue, I move that we
16 approve both variances as requested by the
17 applicant.

18 There are unique circumstances
19 or physical conditions of the property, such

20 as narrowness, shape, shallowness, shape,
21 water topography or similar physical
22 conditions and the need for the variance is
23 not due to the applicant's personal or
24 economic difficulty.

25 As the applicant pointed out,

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1 this parcel is a peculiar shape, somewhat
2 trapezoidal shape, leading to difficulties in
3 positioning of the normally required number
4 of parking spaces.

5 The need is not self-created.
6 The requested variance is the minimum
7 variance necessary to do substantial justice
8 to the applicant as well as to other property
9 owners in the district.

10 Specifically redevelopment of
11 this area will most likely be helpful to
12 other applicants in the neighboring parcels.
13 The requested variance will not cause an
14 adverse impact on surrounding properties,
15 property values or the use and enjoyment of
16 the property in the neighborhood or zoning
17 district.

18 MR. IBE: Second.

19 CHAIRPERSON KRIEGER: We have a
20 motion and a second.

21 Ms. Pawlowski, can you call the
22 roll.

23 MS. PAWLOWSKI: Member Gedeon?

24 MR. GEDEON: Yes.

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MS. PAWLOWSKI: Member I be?

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MR. IBE: Yes.

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MS. PAWLOWSKI: Chairperson

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Krieger?

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CHAIRPERSON KRIEGER: Yes.

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MS. PAWLOWSKI: Member Ferrell?

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MR. FERRELL: Yes.

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MS. PAWLOWSKI: Motion passes

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four to zero.

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MR. CAPELLO: Thank you very

10

much.

11

CHAIRPERSON KRIEGER: Our last

12

case is PZ13-0025 for 43700 Expo Center

13

Drive.

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MR. GOSS: Good evening. My name

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is Larry Goss, here on behalf of Burton

16

Katzman, LLC the applicants.

17

I'm not an attorney. G-o-s-s,

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like in Sam.

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MR. GEDEON: In Case PZ13-0025,

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43700 Expo Center Drive, do you swear to tell

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the truth tonight?

22

MR. GOSS: I do. I think I'd

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like to ask the board respectfully to table

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this tonight.

25

Our senior vice president,

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Chuck DiMaggio, is also out of town tonight,

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with three other members, I'm kind of filling

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in, so I think probably would be best to

4 table this for your next meeting, if that's
5 all right. Unless you'd like to approve it
6 unani mousl y, in whi ch case, I wou ld standb y.

7 CHAI RPERSON KRI EGER: Counsel ?
8 Comments?

9 MS. SAARELA: I have no comments.

10 MR. BOULARD: Just once again, if
11 you're inclined to entertain the request to
12 postpone, I request that it would be to a
13 date certain, July 9th, if that's
14 appropri ate.

15 So that we won't have to
16 readverti se.

17 CHAI RPERSON KRI EGER: Very good.

18 MR. GEDEON: In Case PZ13-0025,
19 43700 Expo Center Drive, I move to postpone
20 thi s case to the July 9, 2013 meeti ng.

21 MR. IBE: Second.

22 CHAI RPERSON KRI EGER: Ms.
23 Pawl owski , can you call the roll .

24 MS. PAWLOWSKI : Member Gedeon?

25 MR. GEDEON: Yes.

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1 MS. PAWLOWSKI : Member Ibe?

2 MR. IBE: Yes.

3 MS. PAWLOWSKI : Chai rperson
4 Kri eger?

5 CHAI RPERSON KRI EGER: Yes.

6 MS. PAWLOWSKI : Member Ferrel l ?

7 MR. FERRELL: Yes.

8 MS. PAWLOWSKI : Moti on passes

9 four to zero.
10 MR. GOSS: Thank you very much.
11 CHAIRPERSON KRIEGER: That
12 finishes our meeting tonight.
13 We go to other matters.
14 Election of officers.
15 Since we are not all here,
16 should we discuss that next month?
17 MS. SAARELA: If you want to, go
18 ahead and move to postpone that issue until
19 next month, that's up to you, yep.
20 MR. FERRELL: I will move to
21 postpone the election of officers until next
22 month's meeting.
23 MR. GEDEON: Second.
24 CHAIRPERSON KRIEGER: Should we
25 do a roll call --

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1 MS. SAARELA: You don't need a
2 roll call.
3 CHAIRPERSON KRIEGER: All in
4 favor.
5 THE BOARD: Aye.
6 CHAIRPERSON KRIEGER: Any
7 opposed?
8 (No audible responses.)
9 CHAIRPERSON KRIEGER: Seeing
10 none, motion to adjourn?
11 MR. GEDEON: So moved.
12 MR. IBE: Second.
13 CHAIRPERSON KRIEGER: All in

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favor?

THE BOARD: Aye.

(The meeting was adjourned at 7:50 p.m.)

** ** *

†

1 STATE OF MICHIGAN)

2) ss.

3 COUNTY OF OAKLAND)

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

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

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

22

23

24

_____ Date

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

25

†