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REGULAR MEETING - ZONING BOARD OF APPEALS
CITY OF NOVI
Tuesday, July 8, 2014

Proceedings taken in the matter of the ZONING BOARD OF
APPEALS, at City of Novi, 45175 West Ten Mile Road, Novi,
Michigan, on Tuesday, July 8, 2014
BOARD MEMBERS
Brent Ferrell, Chairperson
Mav Sanghvi
David Ghannam
Cynthia Gronachan
Linda Krieger
Rickie Ibe
ALSO PRESENT: Thomas Walsh, Building Official
Beth Saarela, City Attorney
Coordinator: Angela Pawlowski, Recording Secretary
REPORTED BY: Jennifer L. Wall, Certified Shorthand Reporter

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Novi, Michigan.
Tuesday, July 8, 2014
7:00 p.m.
** ** **
CHAIRPERSON FERRELL: We'll call
to order the Tuesday, July 8, 2014 regular
scheduled meeting of the ZBA.
If everybody would please rise
for the Pledge of Allegiance.
(Pledge recited.)
Page 1

11 CHAIRPERSON FERRELL: Ms.
12 Pawlowski, can you call the roll, please.
13 MS. PAWLOWSKI: Chairperson
14 Ferrell?
15 CHAIRPERSON FERRELL: Here.
16 MS. PAWLOWSKI: Member Ghannam?
17 MR. GHANNAM: Here.
18 MS. PAWLOWSKI: Member Gronachan?
19 MS. GRONACHAN: Here.
20 MS. PAWLOWSKI: Member Ibe?
21 MR. IBE: Present.
22 MS. PAWLOWSKI: Member Krieger?
23 MS. KRIEGER: Here.
24 MS. PAWLOWSKI: Member Sanghvi?
25 MR. SANGHVI: Here.

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1 MS. PAWLOWSKI: Member Gerblick
2 is absent, excused.
3 CHAIRPERSON FERRELL: In the back
4 of the room there is a public hearing format,
5 rules of conduct. If anybody would like to
6 get a copy of those and follow along.
7 At this time if you have
8 cellphones, we ask that you turn them off, or
9 silence them at least.
10 Move onto approval of agenda.
11 Is there any changes to tonight's agenda?
12 MS. PAWLOWSKI: No.
13 CHAIRPERSON FERRELL: All in
14 favor of tonight's agenda, say aye.
15 THE BOARD: Aye.
16 CHAIRPERSON FERRELL: Any
17 opposed?
18 (No audible responses.)
19 CHAIRPERSON FERRELL: Seeing
20 none, we have an agenda.
21 Approval of minutes from
22 June 10th, 2014. Any changes? Yes?
23 MR. SANGHVI: Page 44, line 15,
24 was typed as sign, it should read side,
25 s-i-d-e.

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1 CHAIRPERSON FERRELL: Thank you.
2 Which one was it?
3 MR. SANGHVI: Line 15, page 44.
4 MS. KRIEGER: On page 12, line
5 22, it's through the chair.
6 CHAIRPERSON FERRELL: All in
7 favor of those changes say aye.
8 THE BOARD: Aye.
9 CHAIRPERSON FERRELL: Any
10 opposed?
11 (No audible responses.)
12 CHAIRPERSON FERRELL: Seeing
13 none, we have approval of the June 10th, 2014
14 minutes.
15 Open it up to public remarks,
16 anybody wishing to address the board on
17 matters other than any cases that will be
18 heard tonight, come forward now.
19 Seeing none, fine.
20 Okay. And this is a public
21 hearing. When your case is called, please

22 come up to the podium, raise your right hand,
23 be sworn in by the secretary, state and spell
24 your name for the reporter.

25 Case No. PZ14-0011, 1292 East
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1 Lake Drive.
2 MR. GHANNAM: Raise your right
3 hand spell your name, please.

4 MR. NELL: Jerome, J-e-r-o-m-e,
5 Nell, N, as in November, e-l-l.

6 MR. GHANNAM: Raise your right
7 hand, sir.

8 Do you solemnly swear in this
9 case you will swear or affirm to tell the
10 truth?

11 MR. NELL: Yes.

12 MR. GHANNAM: Please proceed.

13 MR. NELL: I'm proposing to
14 build -- keep this short and sweet --
15 personal residence at 1291 East Lake Drive,
16 proposed to build about a 3,200 square feet
17 two story home, brick, which will require --
18 the R4 zoning, I'm going to need variances on
19 the sides.

20 The total square footage that
21 the house is taking up on the lot, and adding
22 actually a little bit over 850 square foot to
23 my garage, so it's over, and I need a
24 variance for that, too.

25 I feel after the improvements

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1 are done, it will be good for the
2 neighborhood.

3 The house has been there, it's
4 been there for years. It's been old and
5 delapidated, and even though I'm going a
6 little bit bigger and a little bit larger
7 garage, the neighbors on both sides of me
8 will even have a better view since I'm
9 removing an old shed that's been there for 20
10 years.

11 I have got letters from both
12 my neighbors on both sides. I have walked
13 through the entire job with them, walked
14 through the blueprints with them, and
15 explained to them everything I was going to
16 do and they are 100 percent on board with all
17 the improvements I'm proposing to make.

18 CHAIRPERSON FERRELL: All right.
19 Thank you. Any comments or questions from
20 the city?

21 MR. WALSH: No comments at this
22 time.

23 CHAIRPERSON FERRELL: Any
24 correspondence?

25 MR. GHANNAM: We have 23 mailed

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1 notices, zero returns, two approvals.

2 The first approval is dated
3 4/26/2014. It indicates, "To whom it may
4 concern. Live directly to the north of 1292
5 East Lake Drive. We have reviewed the house
6 plans and plot plans for Jerome Nell's

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proposed residence and are in full support of all the improvements he plans to make." Sincerely, Kyle and Lorine Murphy at 1288 East Lake Drive.

The second one is from Mr. and Mrs. Asa Smith, 1294 East Lake Drive, Novi, dated April 28, 2014.

"Mr. Nell has supplied us with the architectural renderings of his home with the proposed setbacks. We have had conversations regarding our concerns with the project, obstruction of lake view, property grading for drainage issues as well as other concerns due to the close proximity to our property of collateral damage during the build. After our conversations with Mr. Nell, we feel that the project will be a beautiful addition to the area, we look forward to having Mr. Nell as our neighbor."

Signed Asa and Carol Smith.
CHAIRPERSON FERRELL: Open it up to the board for discussion.

MR. SANGHVI: Thank you, Mr. Chair.

I came and saw your place and the only way to do anything there would be some variance, and I appreciate your problem and I support your proposal.

MR. NELL: Thank you.
CHAIRPERSON FERRELL: Any other discussion?

MR. GHANNAM: I also support it, sir. Given the nature of your lot on this lake and it's an older developed area and they don't really comply with current codes, I think Member Sanghvi is accurate, you do need some variances.

It seems like you have tried to minimize the amount of variances and the scope of the variances. And that's what your job is, so I have no problem with your request.

CHAIRPERSON FERRELL: Any other discussion? Hear a motion?

MR. IBE: I will take it. Thank you, Mr. Chair.

In Case No. PZ14-0011, 1292 East Lake Drive, I move that we grant the petitioner's request as presented for the following reasons.

One, there are unique circumstances or physical conditions of the property, such as narrowness, shallowness, shape, water, topography or similar physical conditions.

That the need for the variance is not due to the applicant's personal or economic difficulty.

As was described by the applicant himself, the lot that this property is located is at about 45 -- the width of

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this, about 45-foot width lot.
And the only way for this applicant to reasonably construct any kind of home there, is if these variances are granted.

Secondly, the need is not self-created. Obviously, the topography and the fact that the -- the way the physical

condition of the property, it makes it practically impossible to do anything. And this applicant could not have foreseen this. Obviously, he has inherited the property the way nature has presented it.

Third, strict compliance and regulation governing areas setback, frontage, height, bulk, and density or other dimensional requirements will unreasonably prevent the property owner from having -- using the property for a permitted purpose, or will render conformity with those regulations unnecessarily burdensome.

Fourth, the requested variance is the minimum variance necessary to do substantial justice to the applicant as well as other property owners in the district.

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

And specifically, these -- some of the neighbors who submitted letters in support of this applicant did state that

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if there were any concerns they had, it was addressed amicably between them and this applicant.

And also a grant of variance will bring about more improvement to surrounding properties and may potentially increase property values in this area since there are older and delapidated homes around here.

Based on all of this and the presentation made by the applicant, and the (unintelligible) raised by the other members, I move that we grant the request.

MS. GRONACHAN: Second.

CHAIRPERSON FERRELL: Hearing a motion and second, any further discussion? (No audible responses.)

CHAIRPERSON FERRELL: Ms.

Pawlowski, can you call the roll, please.

MS. PAWLOWSKI: Chairperson Ferrell?

CHAIRPERSON FERRELL: Yes.

MS. PAWLOWSKI: Member Ghannam?

MR. GHANNAM: Yes.

MS. PAWLOWSKI: Member Gronachan?

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MS. GRONACHAN: Yes.

MS. PAWLOWSKI: Member Ibe?

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MR. IBE: Yes.
MS. PAWLOWSKI: Member Krieger?
MS. KRIEGER: Yes.
MS. PAWLOWSKI: Member Sanghvi?
MR. SANGHVI: Yes.
MS. PAWLOWSKI: Motion passes six

to zero.
CHAIRPERSON FERRELL: Thank you.
Case No. PZ14-0012, 44050 Twelve Mile Road,
Stoneridge Office Park.

We will come back.
Case No. PZ14-0014, 42990

Grand River, Discount Tire.
MR. LEWIS: Tom Lewis, L-e-w-i-s.
MR. GHANNAM: Please raise your
right hand. In this case, sir, do you swear
or affirm to tell the truth?

MR. LEWIS: Yes.
MR. GHANNAM: Thank you. Please

proceed.
MR. LEWIS: We were before the
board last month, looking for two large -- or
two signs to add to the building structure,

one on the front to mark the front of the
building and then another one on the back
side.

Based on the board's
direction, we have come back with a revised
plan.

We did a little bit of a photo
survey across the front, showing that because
of the trees and the way the building sits
back in between the other properties, it's
very limited visibility.

Also understanding the way the
city calculates square footage, what we read
is that you guys were entertaining a motion
to grant a variance of 72 square feet for the
rear sign, but nothing for the front sign.

What I did is I reconfigured
the signage in the back to be a single line,
which brought the square footage down 50.2.
We came back with a much smaller sign on the
front that is more appropriate for where it's
being viewed by and for the overall purpose
of the sign, which is to bring people really
from the road up to the front of the
building, and deal with the fact that we --

you know, what they previously had or what
they previously had was window vinyls, which
identified the front of the store.

And at the city's request
those have all been removed.

We feel that the signage is
keeping with the style of the building, it's
appropriate for the scale of the building and
appropriate for what impact they're trying to
create for the two elevations.

CHAIRPERSON FERRELL: Is that it?
MR. LEWIS: Yep.
CHAIRPERSON FERRELL: Any

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comments or questions from the city?
MR. WALSH: Just a clarification from the last meeting. I think the question was raised by the maximum signage, I believe I indicated 24 square feet. It's actually 65 square feet. So I just wanted to make that clarification for the record.

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

I'm sorry, correspondence.
MR. GHANNAM: We have 18 mailed notices, two returned mails, zero approvals, zero objections.

CHAIRPERSON FERRELL: I will open it up to the board for discussion.

MS. KRIEGER: Under the circumstances, they came back, they did their work for the board's request and the location and topography of the building, I can support the change.

CHAIRPERSON FERRELL: Thank you. Anybody else?

MS. GRONACHAN: Thank you for going back and doing your homework and taking our advice.

I think that this is a much better presentation. And I drove by there several times and I was disturbed by the vinyl, so I'm glad that that was taken down. I don't know that would help you any. It scared me.

But I think that what you're doing on the front is a much better idea and I can support your request.

CHAIRPERSON FERRELL: Anybody else? Take a motion.

MS. GRONACHAN: I will make the motion, or I will attempt it at least.

I move that in Case No. PZ14-0014, for Discount Tire located at 42990 Grand River, that the request that the applicant has submitted before us this evening based on two wall signs totaling 72.5 square feet be approved for the following reasons.

The applicant's request is based upon circumstances and features that are exceptional and unique to the property, and do not result from conditions that exist generally in the city, that are self-created.

Specifically, the location of the building, the rear of the building being viewed by a parking lot.

The failure to grant relief will unreasonably prevent or limit the use of the property and will result in substantially more than mere inconveniences, and ability to attain a high economic relief or financial return because of the past statements based from the petitioner saying that customers could not locate them or identify the

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building once they appeared onto the

property.

The grant of the relief will not result in a use of structure that is incompatible or unreasonably interferes with adjacent or surrounding properties and will result in substantial justice being done to both the applicant and adjacent or surrounding properties and is not inconsistent with the spirit of the ordinance.

Based on, again, testimony given by the petitioner and the additional businesses within the area have similar requests for identification of the building.

MR. GHANNAM: Second.

CHAIRPERSON FERRELL: I have a motion and a second. Any further discussion? (No audible responses.)

CHAIRPERSON FERRELL: Ms. Pawlowski, can you call the roll.

MS. PAWLOWSKI: Chairperson Ferrell?

CHAIRPERSON FERRELL: Yes.

MS. PAWLOWSKI: Member Ghannam?

MR. GHANNAM: Yes.

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MS. PAWLOWSKI: Member Gronachan?

MS. GRONACHAN: Yes.

MR. GHANNAM: Member Ibe?

MR. IBE: Yes.

MS. PAWLOWSKI: Member Krieger?

MS. KRIEGER: Yes.

MS. PAWLOWSKI: Member Sanghvi?

MR. SANGHVI: Yes.

MS. PAWLOWSKI: Motion passes six

to zero.

MR. LEWIS: Thank you.

CHAIRPERSON FERRELL: Case No.

PZ14-0021, 24400 Novi Road, Hertz.

MR. PALAZZOLO: Good evening.

I'm Dominic Palazzolo, D-o-m-n-i-c, P-a-l-a-z-z-o-l-o.

MR. GHANNAM: Raise your right hand, sir. In this case, do you swear or affirm to tell the truth?

MR. PALAZZOLO: Yes, I do.

MR. GHANNAM: Please proceed.

MR. PALAZZOLO: We are before you today to ask for a variance for this location.

Originally the variance was

granted prior to the previous tenants that were in there. I believe it's a multi-tenant unit. But the variance was just specifically for those tenants, it wasn't actually applied to the sign.

Hertz is now moving in this location and are asking for a 2.9 square feet sign on the brick facade of the sign, at this location, so we need a variance to make that

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happen.
CHAIRPERSON FERRELL: All done?
MR. PALAZZOLO: Yes.
CHAIRPERSON FERRELL: Questions
or comments from the city?
MR. WALSH: Not at this time.
Thank you.
CHAIRPERSON FERRELL:
Correspondence?
MR. GHANNAM: Seventeen mailed
notices, zero returns, zero approvals, zero
objections.
CHAIRPERSON FERRELL: Open it up
to the board for discussion.
MR. SANGHVI: I went to your
site. There is a sign there, but it's not
really easy to fine. So, I have no problem
with the little sign going up. Thank you.
MR. PALAZZOLO: Thank you.
CHAIRPERSON FERRELL: Anybody
else?
MS. KRIEGER: Question for the
city. If we make an amendment for this
business, would it go with the sign or would
it go with this business?
MR. WALSH: I would recommend
that the board approves a variance similar to
1996, case in '96, for a variance granted for
the existing tenant. At any time they want
to change the sign, they can come back to the
ZBA. So it's limited to three signs.
MS. KRIEGER: Thank you.
CHAIRPERSON FERRELL: Anybody
else?
MS. GRONACHAN: I have a question
for the building department.
How is it that this came about
that this particular sign for this many
tenants. If another tenant moves in, poor
tenant, the fourth tenant is going to run out
of room.
MR. WALSH: I believe it's
exposure to the face of the building, the
other tenants are closer to the road.
These are the tenants that --
it's my understanding, reading the old case,
that pointed towards the back of the
building.
MS. GRONACHAN: Okay. Thank you
for that clarification. That's all.
CHAIRPERSON FERRELL: Any further
discussion or a motion?
MS. KRIEGER: For Case No.
PZ14-0021 for Hertz, I motion to approve the
request for the three foot square sign based
upon circumstances or features that are
exceptional and unique to the property, and
do not result in conditions that exist
generally in this city or are self-created.
Specifically that these as
previously stated, these three businesses are

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farther away from Novi Road, so this would allow them to have more visual exposure to the street.

Thank you. The failure to grant relief will unreasonably prevent or limit the use of the property and will result in substantially more than a mere inconvenience or inability to attain a higher economic or financial return because of the visibility issues.

The grant of relief will not result in a use of structure that is incompatible with or unreasonably interferes with adjacent or surrounding properties and will result in substantial justice being done to both the applicant and the adjacent and surrounding properties, and is not inconsistent with the spirit of the ordinance and it would be for this tenant as requested.

MR. SANGHVI: Second.
CHAIRPERSON FERRELL: Motion and a second, any further discussion?
(No audible responders.)

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

MS. PAWLOWSKI: Chairperson Ferrell?
CHAIRPERSON FERRELL: Yes.
MS. PAWLOWSKI: Member Ghannam?
MR. GHANNAM: Yes.

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MS. PAWLOWSKI: Member Gronachan?
MS. GRONACHAN: Yes.
MS. PAWLOWSKI: Member Ibe?
MR. IBE: Yes.
MS. PAWLOWSKI: Member Krieger?
MS. KRIEGER: Yes.
MS. PAWLOWSKI: Member Sanghvi?
MR. SANGHVI: Yes.
MS. PAWLOWSKI: Motion passes six

to zero.
MR. PALAZZOLO: Thank you.

CHAIRPERSON FERRELL: Moving onto Case No. PZ14-0022, 1367 East Lake Drive.

MS. MATTHEWS: Carmen Matthews, M-a-t-t-h-e-w-s.
MR. GHANNAM: Can you please raise your right hand.

In this case, do you solemnly swear to tell the truth?

MS. MATTHEWS: I do.
We are coming here to ask the board for an approval of a building of a pavilion on our lake lot. We call it pavilion because it's not a gazebo, it's not a pergola, it's just four- posts with a roof.

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Throughout the years, mostly in the last three years, the two big storms we had all trees that we had on that lot broke and died and they had to be removed. Therefore, we are left with a

6 big lot exposed to the sun all day. We are
7 on the east lake, so we get it all day. So
8 we need a little shelter for the entire
9 family, and because we do not obstruct the
10 view of any people walking by, or driving by,
11 the four posts are not going to have any
12 walls or anything to obstruct any view.

13 We believe that that will be
14 suitable for the area and will just beautify
15 everything.

16 And the 15 feet or 50 doesn't
17 matter because all people will see are the
18 posts, so doesn't matter the distance between
19 the posts, it's just a post. The roof will
20 be about the people view, and probably the
21 taller the view, the roof, the better view,
22 but the roof itself will have only three feet
23 actually tall.

24 So it's the minimum that we
25 can get so we keep the ratio appropriate for

0026 1 the roof or, you know, the rain and the angle
2 that's necessary. That's about it.

3 CHAIRPERSON FERRELL: Thank you.
4 Questions or comments from the city?

5 MR. WALSH: Not at this time.
6 Thank you.

7 CHAIRPERSON FERRELL: Any
8 correspondence?

9 MR. GHANNAM: We have 17 mailed
10 notices, zero returns, one approval and zero
11 objections.

12 The approval is from -- it
13 looks like A-l-i-t-h-a, last name is spelled,
14 C-h-a-c-k-o, 1381 East Lake Road. It
15 indicates, "I am their close neighbor and
16 totally support this request. Both Bob and
17 Carmen have added substantial improvements to
18 their space and I know they will do a great
19 job with this. Please approve their
20 request."

21 That's it.

22 CHAIRPERSON FERRELL: Open it up
23 to the board for discussion.

24 MR. SANGHVI: Thank you,
25 Mr. Chair. I came and saw your place. You

0027 1 have nice tropical waters behind you. I
2 don't feel sorry for the mosquitoes who are
3 not going to take your blood anymore. Thank
4 you.

5 CHAIRPERSON FERRELL: Anybody
6 else? Any comments from the city?

7 Anybody in the audience that
8 would like to comment on this at this time?

9 (No audible responses.)

10 CHAIRPERSON FERRELL: Okay,
11 seeing none, anybody else on the board?

12 MS. GRONACHAN: I do have a
13 question.

14 I just want to verify to the
15 building department. I'm sorry. The height
16 for the ordinance is eight feet?

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MR. WALSH: That is correct.
MS. GRONACHAN: So they're going from eight feet to 12 feet?
MR. WALSH: That is correct.
MS. MATTHEWS: The height of a regular room where people can stand. My husband is very tall. It's eight feet. We will have a soffit and then three feet for the roof.

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MR. GHANNAM: That's all I need.
CHAIRPERSON FERRELL: Entertain a motion.
MR. GHANNAM: I will go ahead and make a motion.
In Case PZ14-0022, I move that we approve the request as requested. There are unique circumstances or physical conditions of the property such as the narrowness of the lot, proximity to the lake, shallowness, shape, water and so forth. And the necessity of the variance is not due to the applicant's personal or economic difficulty. It's the nature of the lot as it was designed years ago. The need is not self-created.
The requested variance is the minimum variance necessary to do substantial justice to the applicant, and the requested variance will not cause any adverse impact on surrounding property values, in fact, I think it will increase it and enhance the neighborhood.

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MR. SANGHVI: Second.
CHAIRPERSON FERRELL: A motion

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and a second, any further discussion?
(No audible responses.)
CHAIRPERSON FERRELL: Seeing none, if Ms. Pawlowski, can you call roll, please.
MS. PAWLOWSKI: Chairperson Ferrell?
CHAIRPERSON FERRELL: Yes.
MS. PAWLOWSKI: Member Ghannam?
MR. GHANNAM: Yes.
MS. PAWLOWSKI: Member Gronachan?
MS. GRONACHAN: Yes.
MS. PAWLOWSKI: Member Ibe?
MR. IBE: Yes.
MS. PAWLOWSKI: Member Krieger?
MS. KRIEGER: Yes.
MS. PAWLOWSKI: Member Sanghvi?
MR. SANGHVI: Yes.
MS. PAWLOWSKI: Motion passes six

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to zero.
MS. MATTHEWS: Thank you very much. Appreciate it.
CHAIRPERSON FERRELL: Case No. PZ14-0023, 23363 Mystic Forest Drive.
MR. ATCHISON: My name is Daniel

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Atchison, D-a-n-i-e-l, A-t-c-h-i-s-o-n.
Page 12

MR. GHANNAM: Sir, in this case do you swear or affirm to tell the truth?

MR. ATCHISON: Yes, I do.

We are requesting two variances this evening, ordinance 2400 to allow a screened-in porch of an existing deck structure. We're requiring a 3.46-foot variance to the rear setback and the lot coverage of 25 percent to increase to 26.3 percent.

CHAIRPERSON FERRELL: Is that it?

MR. ATCHISON: Yes.

CHAIRPERSON FERRELL: Anybody in the audience have any comments regarding this case?

(No audible responses.)

CHAIRPERSON FERRELL: City, is there any comments?

MR. WALSH: Not at this time. Thank you.

CHAIRPERSON FERRELL: Correspondence?

MR. GHANNAM: We have 18 mailed notices, zero returns, zero approvals, zero

objections.

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

MS. GRONACHAN: Thank you. I think that this is a minimum request that you're asking for, and I understand that given the circumstances I think that you did your homework well and I will be supporting this.

MR. ATCHISON: Thank you.

MR. GHANNAM: I will echo that. I appreciate the approval from the homeowners association, making sure there is no issues with that.

And again, I think it is a minimal request in order to do justice to your home. Thank you.

MR. ATCHISON: Thank you.

CHAIRPERSON FERRELL: Anybody else? Anybody want to do a motion?

MR. GHANNAM: I will make a motion.

In PZ14-0023, for 23336 Mystic Forest Drive, I move that we approve the variances as requested.

There are unique circumstances or physical conditions of this property, such as its narrowness, shape, topography and other similar conditions that are not due to the applicant's personal or economic difficulty.

The need is not self-created. Strict compliance with the regulations for governing area setback and so forth, would prevent the property owner from using the property for a permitted purpose, or will render conformity with those regulations

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unnecessarily burdensome.
The requested variance is the minimum variance necessary to do substantial justice to the applicant as well as additional property owners and the requested variance will not cause an adverse impact of surrounding areas or property values and, in fact, I think it will enhance it.

MS. GRONACHAN: Second.
CHAIRPERSON FERRELL: Motion and a second, any further discussion?
(No audible responses.)
CHAIRPERSON FERRELL: Seeing

none, Ms. Pawlowski, will you call the roll.
MS. PAWLOWSKI: Chairperson Ferrell?
CHAIRPERSON FERRELL: Yes.
MS. PAWLOWSKI: Member Ghannam?
MR. GHANNAM: Yes.
MS. PAWLOWSKI: Member Gronachan?
MS. GRONACHAN: Yes.
MS. PAWLOWSKI: Member Ibe?
MR. IBE: Yes.
MS. PAWLOWSKI: Member Krieger?
MS. KRIEGER: Yes.
MS. PAWLOWSKI: Member Sanghvi?
MR. SANGHVI: Yes.
MS. PAWLOWSKI: Motion passes six

to zero.
MR. ATCHISON: Thank you very much.
CHAIRPERSON FERRELL: Case PZ14-0024, 27600 Wixom Road, Varsity Lincoln parcel 50-22-17-101-029.

MR. LANDRY: Good evening. We were here --
MR. GHANNAM: Can you state your name, please.

MR. LANDRY: David Landry appearing on behalf of the applicant.
MR. GHANNAM: You are a lawyer, so you don't need to be sworn.
MR. LANDRY: 45471 Community Court, Novi, Michigan.
MR. GHANNAM: Keep your hand down, you're a former mayor.
MR. LANDRY: If it may please the Zoning Board of Appeals, we were here on April 8 seeking a sign variance for a changeable copy sign that was granted at the time I raised to the Zoning Board of Appeals, that technically we needed a 1 percent dimensional variance because the ordinance provides that for a changeable copy sign, the changeable copy portion cannot exceed two-thirds, that is .6666, the changeable copy portion of this sign is .6840.

So we are 1 percent over. The city attorney quite correctly pointed out, that the city had not published that we were seeking a dimensional variance, so we had to

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come back, so we are here requesting the
1 percent dimensional variance for the same

reasons that we had requested the original
variance.

CHAIRPERSON FERRELL: Thank you.
Anybody in the audience have any questions or
comments pertaining to this case?

(No audible responses.)

CHAIRPERSON FERRELL: Anything
from the city?

MR. WALSH: No comments at this
time.

CHAIRPERSON FERRELL: Open it
up -- correspondence?

MR. GHANNAM: Even mailed
notices, zero returns, zero approvals, zero
objections.

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

MS. GRONACHAN: Good evening. I
think the only reason why you're here is
basically of a mathematical error. We
approved it and it was just off, technical
error or whatever.

But I'm still in support. I
was back then and I am now. I don't have any
questions.

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I think that the previous
evening of events when you were here and
stated all of the cases should be part of
that record and therefore I will be
supporting.

CHAIRPERSON FERRELL: Any other
discussion? Entertain a motion?

MS. GRONACHAN: I will.

In Case No. PZ14-0024, Varsity
Lincoln Mercury at 27600 Wixom Road, I move
that we approve the request as requested,
based on circumstances and features that are
exceptional in this case.

The percentage of sign as
previously stated in the minutes dated -- if
somebody can fill in that date, I don't have
that in front of me.

The failure to grant relief
will unreasonably prevent or limit the use of
the property or result in substantial more
than a mere inconvenience, and the grant of
relief will not result in a use of structure
that is incompatible or unreasonably
interferes with the adjacent and/or
surrounding properties, as duly noted in

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previous testimony by the petitioner.

MR. SANGHVI: Second.

CHAIRPERSON FERRELL: I have a
motion and a second. Any further discussion?

(No audible responses)

CHAIRPERSON FERRELL: Seeing
none, Ms. Pawlowski, can you call the roll,
please.

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MS. PAWLOWSKI: Chairperson
Ferrell?
CHAIRPERSON FERRELL: Yes.
MS. PAWLOWSKI: Member Ghannam?
MR. GHANNAM: Yes.
MS. PAWLOWSKI: Member Gronachan?
MS. GRONACHAN: Yes.
MS. PAWLOWSKI: Member Ibe?
MR. IBE: Yes.
MS. PAWLOWSKI: Member Krieger?
MS. KRIEGER: Yes.
MS. PAWLOWSKI: Member Sanghvi?
MR. SANGHVI: Yes.
MS. PAWLOWSKI: Motion passes six
to zero.
MR. LANDRY: Thank you so much.
CHAIRPERSON FERRELL: Case No.

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PZ14-0025, 2214 Austin Drive.
MR. VAICIUNAS: My name is Joe
Vai ci unas, V, as in Victor, a-i-c-i-u-n-a-s.
MR. GHANNAM: Raise your right
hand, sir.
Do you solemnly swear or
affirm to tell the truth in this case?
MR. VAICIUNAS: I do.
Pursuant to a previous request
for a variance that had been approved, it's
my wife asking for our home that we are
building, to make sure we have a 36-inch walk
by -- walk area by the side front door on the
north side.
We would need one foot onto
the easement to create this, that is where
our request is for.
CHAIRPERSON FERRELL: Thank you.
Anybody in the audience have questions or
comments pertaining to this case?
Please come forward. Come up
to the podium, state your name, spell it for
the reporter and be sworn in by the
secretary.

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MS. TOMA: My name is Kayla Toma,
K-a-y-l-a, T-o-m-a.
MR. GHANNAM: Raise your right
hand.
Do you solemnly swear in this
case to -- swear or affirm to tell the truth?
MS. TOMA: Yes.
I'm here to object because it
would diminish our proper -- our view of the
lake from the side.
We have -- our landscaping --
I'm the property owner right next-door.
I spent over I would say 70
grand just on my landscaping there. And we
have a walkway there of all limestone. What
he would want to do is push it forward --
push his property forward and push my stuff
back.
Honestly, it's an investment
issue. Not only that, I think of fire

20 damage. Depending on like where his -- where
21 he wants to -- he wants to completely tear
22 down his previous home right now and rebuild
23 a larger one, of course.

24 But how the poles are and how
25 my landscaping is, and how big the trees are,

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1 if there were to have any kind of, you know,
2 fire break out, or his fire -- a fire caused
3 in my home, it would engulf everything. It
4 would cause a lot of damage, a ton of damage.

5 Not only does it obstruct my
6 view, but there was supposed to be a fence
7 that was supposed to be there. It was
8 grandfathered in, and as an agreement between
9 his home and our home, we agreed that, you
10 know, we would keep that fence there, so long
11 as we would replace it, but that hasn't been
12 the case.

13 There is not good blood
14 between us as neighbors.

15 And we also have like farming
16 right there, too. So as of recently, our
17 plant, which took ten years to grow, to
18 actually be rooted to grow, died out of
19 nowhere. It's on that property line where he
20 would actually have to build.

21 So you know where I'm going
22 with that?

23 Also, there is traffic
24 concerns, too, fire concerns. Traffic
25 concerns being we already -- there is no

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1 parking on our street.

2 So he would have to --
3 depending on how he's building his home, it's
4 going to be an issue if he has a lot of
5 people there, which there is only one person
6 there because honestly the home is worth like
7 30 maybe, but that's just because the
8 property that he invested in and, you know,
9 he wants to tear it up of course and make a
10 bigger investment. Any person would.

11 But not if it harms my own
12 property it's already paid for and
13 everything.

14 I don't think it would be fair
15 whatsoever.

16 So that's my objection to his
17 appeal.

18 CHAIRPERSON FERRELL: I have a
19 question. Do you have any pictures or
20 anything that you --

21 MS. TOMA: Yes, I do.

22 CHAIRPERSON FERRELL: Can I see
23 those.

24 MS. TOMA: Uh-huh.

25 CHAIRPERSON FERRELL: You can put

0042

1 them face up.

2 MS. TOMA: So this is our walkway
3 right here. And this is where the farming is
4 right here on top. It's a grapevine.

5 It's -- the leaves kind of look like -- if
6 you have ever been to Italy, it looks just
7 like that.

8 This is the landscaping. We
9 actually had a surveyor come to have our
10 property surveyed because we wanted to go
11 ahead and build a fence ourself with our own
12 money because it didn't go through with him,
13 you know what I mean?

14 Even that was like moved, but
15 you can tell like where our property line is.
16 This is all us, this is like right on the
17 edge, so you will see like in it, upcoming
18 steps, this is like -- this is below like
19 past this little spot, wherever you call it.
20 That's where that is.

21 And then this is where the
22 steps are. These are here, then wood up
23 here.

24 CHAIRPERSON FERRELL: So where is
25 the obstruction you would have in these

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1 pictures?

2 MS. TOMA: We have huge trees.
3 So this is a tree and this is a pergola. If
4 a fire were to happen, we have not only
5 our -- these are the wires, the wires for the
6 electricity or whatever.

7 So imagine if a fire were to
8 happen, and not only would it be dangerous
9 for us to escape our house, but because it
10 would either be caught on fire, or we will be
11 electrocuted.

12 So that's really our concern.
13 This is all wooded --

14 CHAIRPERSON FERRELL: I'm
15 confused. I just want you to explain it to
16 me better.

17 By him building how does that
18 effect you as far as if there was a fire? I
19 mean, where would his house end up being
20 adjacent to your property?

21 MS. TOMA: It would basically be
22 right next-door. This is where he wants to
23 come within three feet of whatever is right
24 here right now.

25 He wants to come very, very
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1 close of whatever the distance is right now.

2 So if -- this is further apart
3 because there was landscaping. If you were
4 to imagine a home that was actually built
5 basically right on the line.

6 We have a next-door neighbor
7 who bought an empty house, and his home
8 was -- it's being built for eight years now.
9 So there is debris, there is -- it becomes a
10 huge construction issue, there is all this
11 other stuff.

12 If something were to happen,
13 if we didn't actually come an appeal -- we
14 didn't actually come and object, okay, well,
15 let this guy do whatever, and this is eight

16 years ago, eight, nine years ago -- I'm
17 sorry, eight, seven years ago.
18 If this person actually goes
19 through with this and something were to
20 happen to his home or to my home, it's going
21 to be completely damaged.
22 If you can just imagine right
23 now, if there is just a little gap, three
24 feet gap with a tree.

25 MS. KRIEGER: Are you lot 87 or
0045 lot 89 on this other -- that we were given?
1 Are you to the north or south?

2 MS. TOMA: North.
3 MS. KRIEGER: Where the trees
4 are?
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6 MS. TOMA: I'm the property
7 next-door, 2154 on the north side. That's a
8 letter that the other person who owns the
9 property, two people that own this property.
10 I am one of them, other one is Daniel Toma.

11 MR. GHANNAM: That was one of my
12 questions. Daniel Toma is not your husband?

13 MS. TOMA: No, it's my brother.

14 MR. GHANNAM: Your brother. And
15 he lives in a home nearby?

16 MS. TOMA: Yes.

17 MR. GHANNAM: Okay. Second
18 question is, is it your proposal that we not
19 only deny this, but he shouldn't be able to
20 build any house there? Is that what you're
21 suggesting?

22 MS. TOMA: Not when it has a
23 potential to damage our land. You can go
24 ahead, build a house there, no problem, but
25 I'm here to oppose the appeal to actually

0046 take that gap.
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2 MR. GHANNAM: So you wouldn't
3 want him to have any variance based on the
4 current codes that exist?

5 MS. TOMA: No, he can have
6 whatever the current codes that exist, that's
7 100 percent fine with us.

8 But there is that 3 feet that
9 he wants -- not 3 feet -- that's only -- what
10 is it 7 feet that he wants to have and like
11 3 feet -- yeah, 3 feet space that he only
12 wants. So it's like 7 feet into the
13 property.

14 MR. GHANNAM: Coincidentally we
15 have got four cases tonight on East Lake and
16 West Lake Drive.

17 You have seen homes being torn
18 down and rebuilt on these streets, have you
19 not?

20 MS. TOMA: Well, I'm not there.
21 I'm in Shawood. This is a different lake
22 area. It's Thirteen, like old Novi. So East
23 Lake is Walled Lake. I'm Shawood Lake. This
24 is not where the neighborhood is. I'm
25 talking about a different neighborhood.

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MR. GHANNAM: You're familiar how --
MS. TOMA: So you're saying based all the other cases --
MR. GHANNAM: No, no. I'm just suggesting that sometimes the older lots, the way they were designed sometimes can't accommodate teardowns and rebuilds and sometimes people need some variances and the question becomes their reasonableness of those variances.
You understand that?
MS. TOMA: Uh-huh. I just don't think that's reasonable.
MR. GHANNAM: Okay.
MS. THOMPSON: You can go ahead and build a house, no problem. I don't mind that, you know.
It wasn't even discussed. It wasn't even brought up, you know, I got a letter --
CHAIRPERSON FERRELL: If you want to have a seat right here.
I want to ask some more questions of the petitioner.

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What is it you're actually asking for a variance of what? I'm a little confused, if you could reexplain that.
MR. VAICIUNAS: The walkway to the front door, which is the side door, the north side actually requires a 36-inch width, is that correct?
MR. WALSH: That is correct.
MR. VAICIUNAS: Twelve inches of that needs to go onto the easement that is up to the property line, not up to the property line, but I'm saying within the easement of the property line, in order to have 36-inch walk through area.
CHAIRPERSON FERRELL: So how far from the property line will you be then if actually encroach 12 inches?
MR. VAICIUNAS: Then it will be two or three feet. I'm not sure exactly how we would actually scale out, but it would be right there. On the other side of the house we are at four feet.
CHAIRPERSON FERRELL: It's just the side of the building you're asking for the variance for, not --

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MR. VAICIUNAS: Well, the side -- it's our front door will be the side of the house, with the garage will be at the street side, but the actual front door is at the side, the north side.
CHAIRPERSON FERRELL: Any questions or comments from the city?
MR. WALSH: Yes. Just if you recall this case was first in front of us back in December 2013, and the applicant at the time was actually proposing this walkway,

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which is an above grade deck now right at the lot line.

So if you look at the proposal now, the walkway is actually 3 feet off the lot line, so actually brought the house in approximately 3 feet. So from the walkway to the lot line, we have 3 feet, from the lot line to the proposed home we have a total of six.

So if you look at your documents in front of you, if you look at page A3 and look at the north elevation and the west elevation, that pretty much picks us up pretty clear, where you can see where the

walkway now is above grade on the north elevation, and on the west elevation, you can see that there is a drop. If you look at the proposed deck area along the side, which is on the left-hand side. There will be an additional 3 feet from that to the lot line, for a total of six feet to the house.

CHAIRPERSON FERRELL: Okay.

MR. WALSH: Thank you.

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

MR. GHANNAM: Correspondence. We have 24 mailed notices, zero returns, zero approvals. We do have one objection.

My question is, the objection is two full pages, single typed. It is from the gentleman that she indicated, Daniel Toma, her brother.

Do I have to read the entire thing?

MS. SAARELA: No, you can summarize it.

MR. GHANNAM: It is an objection. And I believe Mr. Toma, he had several categories of objections, just like the young

lady who came in here, Ms. Toma.

He indicated his land concerns regarding the structure. He talked about the farming and the vines and so forth. He had fire concerns, talking about trees and branches.

The next area of concern was noise pollution.

Next concern was traffic concerns, and he basically indicated his clear objection to any of the variances I believe that the petitioner was asking for, to summarize.

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

MS. GRONACHAN: I have some questions for the petitioner. Good evening.

That is a lot to take in, isn't it?

MR. VAICIUNAS: Sure.

MS. GRONACHAN: First of all, I just want to say that I have served on this

23 board for a number of years on and off, and I
24 don't like it when neighbors can't
25 communicate.

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1 And so I find it unfortunate
2 that you both are at this impasse. And I can
3 understand the neighbor who is voicing her
4 concerns. It's her home. This is her
5 community.

6 And I can understand where you
7 are because you're all excited about building
8 your new homes.

9 My question to you, it's
10 Ehlers, right, correct? Ehlers is your last
11 name?

12 MR. VAI CI UNAS: Vai ci unas.

13 MS. GRONACHAN: I'm sorry. Have
14 you talked to the neighbors? Have you tried
15 to communicate with them to educate them in
16 terms of what it is that you are doing in
17 this neighborhood?

18 MR. VAI CI UNAS: There is no
19 communication with this neighbor. This
20 neighbor has threatened me, has obstructed
21 me. Has almost attacked me. I have called
22 the police a number of times with written
23 explanations of what happened.

24 After a while there is no
25 point in talking to somebody.

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1 We were good neighbors before
2 that, but when she was there, it was her
3 brother, her other brother, who threatened me
4 and came at me with a shovel because of this
5 fence situation that he was asking for.

6 I never objected to any fence
7 in any way. I just advised him, I said, the
8 city probably won't let you have a 6-foot
9 fence right there. And he lost it. And then
10 at which time I just backed off and called
11 the police.

12 And then after that, I was
13 threatened by him with yelling at me across
14 the -- across our property line, looking at
15 me, threatening me and all of that with my
16 wife sitting there, as we would sit there in
17 the evening sometimes. So after while, there
18 is no point in talking.

19 MS. GRONACHAN: That's too bad.
20 That is very unfortunate. And I just want to
21 say this. Because I have been in this
22 situation before with petitioners and with
23 neighbors.

24 We all have a right to do what
25 we want to do on our property. We don't have

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1 that right to deter other people from living
2 there.

3 I think that I can see what
4 you're requesting, it seems like you have
5 done a lot of work.

6 I'm going to ask the young
7 woman who is here this evening that perhaps

8 setting a meeting with this gentleman to sit
9 down in a calm, reasonable manner, so you
10 understand just exactly what he's planning to
11 do.

12 My previous fellow member
13 spoke about there is a lot of lots that do
14 not conform out there. Shaw Lake is one of
15 them. Walled Lake is the other. And
16 people's property are unique and they do not
17 meet the current standards to build.

18 This particular petitioner has
19 done a lot of homework and he has worked with
20 our building department, and when these --
21 when this process goes through the city, it
22 isn't just the petitioner who comes in and
23 says I want to build a home. There is
24 certain requirements along with the fire
25 code.

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1 And this board on many
2 occasions has stated and asked about the fire
3 code up there, so there isn't anything -- we
4 can't -- we don't have a crystal ball, we
5 can't predict the future, if an unfortunate
6 situation like a fire happens, it's not
7 because this petitioner built a house on that
8 piece of property.

9 That's why I want to clarify
10 that there are certain codes that they take,
11 they are -- that's the reason for the
12 setbacks. That's the reason for looking at
13 the plans. That's why this particular
14 petitioner has made numerous trips to the
15 building department to work with our city to
16 make sure that it's within all of that, and
17 as a result that's why he's here to -- he's
18 already adjusted his plans once before.

19 If there are safety concerns
20 or if there were concerns where a
21 neighborhood would be in jeopardy, this board
22 oversees that, and they look at the safety,
23 health and welfare of all the residents, not
24 just the petitioner when we are viewing these
25 cases.

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1 And so, I again, am going
2 to -- as a fellow resident of Novi, a
3 long-time resident of Novi, I'm going to
4 unofficially ask you to sit down and talk
5 with this gentleman, and if you need a
6 mediator, I'll volunteer off the record. How
7 is that?

8 But I really feel that this is
9 your home, you love it, it's beautiful. You
10 have got some wonderful things there. You're
11 building your new home, and this isn't the
12 way neighbors should be.

13 And so based on the case now,
14 back to on -- forget that -- I can support
15 your request, but I would -- I'm uneasy
16 because I would still like the neighborhood
17 situation resolved somewhat and come back,
18 but I will let my other board members give

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their opinions as well.
Thank you.
CHAIRPERSON FERRELL: I have a
question.
If you were to not ask for the
variance, what would the concern be then?
Just the width wouldn't be wide enough, what
is it?

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MR. VAICIUNAS: To maintain
28 feet widths that I have determined so far,
mostly because of the city code requirements
for walk through area, then the walk through
area would only be two feet, which is not --
CHAIRPERSON FERRELL: You would
have to build a house that is not as wide is
what you would have to do? Is that
ultimately --

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MR. VAICIUNAS: In order to
maintain a 3-foot walk by, walk through area,
then I would have to cut off a foot of the
house, down to 27 feet in width.

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CHAIRPERSON FERRELL: In your
opinion, how much view would you block of the
neighbors?

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MR. VAICIUNAS: I would block
none of their view, none of their view.
There is nothing to block.

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Because if anything, the front
of the -- the back side that is on the water
is a foot behind their house, on the plans,
on the plot plan.

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CHAIRPERSON FERRELL: Any other
discussion?

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MR. GHANNAM: Trying to simplify
things. I have heard your neighbor's
response as well as the objection in the
file.

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It seems based on the size of
your lot, narrowness and so forth, which is
quite similar to the other ones we have had,
not only tonight, but, you know, over the
years. Clearly, some relief is necessary, I
think.

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So the question becomes, you
need a few variances for sideyard setbacks as
well as lot coverage. And, you know, I'm
never the one personally to micro manage, you
know, move your house one foot this way, or
raise the roof or decrease that. I just
generally don't do that.

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My theory is, so long as you
are meeting building requirements, does your
ultimate product -- does it harm neighbors,
does it affect safety and things like that.

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I try to look at the bigger
picture. To me, it doesn't seem like it does
affect your neighbors. In fact, I think --

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to me it would enhance the neighborhood given
the -- despite the objection.
So I will be in support of

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your request.
MR. VAICIUNAS: Thank you.
CHAIRPERSON FERRELL: Any other
discussions?
MS. KRIEGER: Question about
removing the trees. Are they older trees,
would they be in your way?
MR. VAICIUNAS: The trees that
are along the side there would be removed
except for the ones up in front. The big
tree that's a city tree would be removed.
Then we were going to replant trees in
different places to replace the city tree at
least.
MS. KRIEGER: Okay. And then I
agree with the previous speakers, in that
even maybe tabling this until August so that
they have an opportunity to come to the city
in the interim and have a discussion as
previously asked. That's it.
MR. IBE: Just so
(unintelligible). She talked about, Ms. Toma
talked about the landscaping, the steps, the
limestone that she talked about.
Will any of that be effected,
if you build --
MR. VAICIUNAS: That's all on her
property. The trees are on my property. The
atrium that she's talking about with a
grapevine over it, is on my property.
But back years ago, when we
first bought the property, we just allowed it
to go over onto property. That was no
problem.
Since then, with the winter or
whatever, it has withered away. It's
essentially dead.
MR. IBE: So are you saying the
landscaping on her property will not be
effected in any shape or form?
MR. VAICIUNAS: If anything, it
will be evened out. It comes everywhere so
that it comes right in line with her steps
and everything. As it was on the other side,
also.
MR. IBE: That's all. Thank you,
Mr. Chair.
CHAIRPERSON FERRELL: Any other
discussions?
MR. SANGHVI: I have no comment.
CHAIRPERSON FERRELL: Entertain a
motion.
MR. GHANNAM: I can take it. We
will see what happens.
I move in Case No. PZ14-0025,
I move to approve the petition as requested,
for a number of reasons.
There are unique circumstances
and physical conditions of this property,
such as narrowness, shallowness, clearly the
shape, water and topography and the need for

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the variance is not due to the applicant's personal economic difficulty.
Clearly this is not -- I'm not going to build some huge monstrosity. I think they call them big foots in certain areas, but it's a matter of trying to accommodate an existing lot with a newer home and variances are requested and needed.
The need is not self-created because the lots were designed and developed years ago and they don't -- they cannot

really conform to current building standards.
So strict compliance with the regulations governing this area, the setback requirements, frontage, height, and so forth, will unreasonably prevent the property owner from using the property for a permitted purpose, and will render conformity with those regulations unnecessarily burdensome.
The requested variance in the minimum variance necessary to do substantial justice to the applicant, as well as other property owners in the district.

And the requested variances will not cause an adverse impact on surrounding property or property values or the use and enjoyment of the property in the neighborhood or zoning district.

In fact, I think it will enhance neighboring properties.

MS. GRONACHAN: Second.

CHAIRPERSON FERRELL: Have a motion and a second, any further discussion? (No audible responses.)

CHAIRPERSON FERRELL: Seeing none, Ms. Pawlowski, can you call the roll.

MS. PAWLOWSKI: Chairperson Ferrell?
CHAIRPERSON FERRELL: Yes.
MS. PAWLOWSKI: Member Ghannam?
MR. GHANNAM: Yes.
MS. PAWLOWSKI: Member Gronachan?
MS. GRONACHAN: Yeah.
MS. PAWLOWSKI: Member Ibe?
MR. IBE: Yes.
MS. PAWLOWSKI: Member Krieger?
MS. KRIEGER: Yes.
MS. PAWLOWSKI: Member Sanghvi?
MR. SANGHVI: Yes.
MS. PAWLOWSKI: Motion passes six

to zero.
CHAIRPERSON FERRELL: Case No. PZ14-0026, 1705 East Lake Drive.

MR. EHLERS: I'm Gary Ehlers. Last name is E-h-l-e-r-s.

MR. GHANNAM: Raise your right hand, sir.

Do you solemnly swear or affirm to tell the truth in this case?

MR. EHLERS: Yes, I do.

I'm looking to seek a variance

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1 on a -- on my cottage -- well, actually now
2 it's my home to put a composite deck over an
3 existing first floor footprint, over my
4 existing lake front cottage.

5 Well, I guess I got to call it
6 my home, since I want to make this deck
7 because upstairs is our bedroom. And I want
8 open this up with a door and walk out on the
9 second floor.

10 I have secured -- I think you
11 have drawings on that from my architect here
12 and build plans and I guess I'm seeking a
13 variance to do that.

14 That's I guess -- if there is
15 anything -- it's going to be a nice one,
16 because I wanted to do it nice, if we are
17 going to do it. It gives us a great view on
18 the second floor, overlooking -- there is --
19 my neighbor has one on the second floor, so
20 there is quite a few of them like that down
21 East Lake. I don't know if any of you had a
22 chance to drive by.

23 That is really what we are
24 seeking to do.

25 CHAIRPERSON FERRELL: Thank you.

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1 Anybody in the audience have any questions or
2 comments obtaining to this case?

3 (No audible responses.)

4 CHAIRPERSON FERRELL: City have
5 any questions or comments?

6 MR. WALSH: No comments.

7 CHAIRPERSON FERRELL:

8 Correspondence?

9 MR. GHANNAM: We have 29 mailed
10 notices, zero returns, one approval, zero
11 objections.

12 The approval was dated
13 June 28, 2014 from Mark Adams, 1721 East Lake
14 Drive. It simply is circled approval with no
15 other comments.

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

18 MR. GHANNAM: Sir, I have no
19 problem. You have a house, you need a deck.
20 That's the value of a house near or on a
21 lake. And I think it's completely reasonable
22 under the circumstances, so I have no
23 problem.

24 CHAIRPERSON FERRELL: Any other
25 discussion?

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1 MR. IBE: Motion. I don't think
2 there is any -- this is a no-brainer.

3 In Case No. PZ14-0026, 1705
4 East Lake Drive, I move that we grant the
5 petitioner's request as requested for the
6 following reasons. One, there are unique
7 circumstances or physical conditions of the
8 property, such as the narrowness,
9 shallowness, shape, water, topography or
10 similar physical conditions have made a

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variance appropriate, and this is not a self-created issue.
Obviously the petitioner here wishes to make improvement to the property, which certainly is a welcome idea, I'm sure to the neighbors.
Strict compliance with regulations governing area setbacks, frontage, height, bulk, density or other dimensional requirements will not unreasonably prevent the homeowner from using the property for the purposes permitted or will render conformity with those regulations unnecessarily burdensome, and obviously nobody wishes to impose such hardship on the

homeowner.
And fourth, the requested variance is the minimum variance that is necessary to do substantial justice to the applicant as well as other property owners in the district.

Finally, the requested variance will not cause an adverse impact on surrounding property, property values or the use and enjoyment of the property in the neighborhood or zoning district.

I believe that the improvement that is due to the owner of this property will enhance the property value for both the homeowner as well as the neighbors in the area.

And quite frankly, it looks like we have had a quite a lot of developments lately on the lakes. And that is welcome news because obviously anyone who is not doing development at this time, will obviously be thinking twice.

So therefore, based on the presentation made by the homeowner, which is the applicant, (unintelligible) on this

board, I move that we grant the request as stated.

MS. KRIEGER: Second.
CHAIRPERSON FERRELL: Motion and second. Any further discussion?

(No audible responses.)
CHAIRPERSON FERRELL: Seeing none, Ms. Pawlowski, can you call the roll.
MS. PAWLOWSKI: Chairperson

Ferrell?
CHAIRPERSON FERRELL: Yes.
MS. PAWLOWSKI: Member Ghannam?
MR. GHANNAM: Yes.
MS. PAWLOWSKI: Member Gronachan?
MS. GRONACHAN: Yes.
MS. PAWLOWSKI: Member Ibe?
MR. IBE: Yes.
MS. PAWLOWSKI: Member Krieger?
MS. KRIEGER: Yes.
MS. PAWLOWSKI: Member Sanghvi?
MR. SANGHVI: Yes.

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MS. PAWLOWSKI: Motion passes six
to zero.
MR. EHLERS: Thank you.
CHAIRPERSON FERRELL: Case No.

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PZ14-0027, 1957 West Lake Drive.
MR. MILLER: Good evening. My
name is Mark Miller, M-a-r-k, M-i-l-l-e-r.
I'm here with my wife, Tina.

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MR. GHANNAM: Ma'am, are you
going to speak also?
MS. MILLER: If there are some
questions --

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MR. GHANNAM: Why don't you state
your name.
MS. MILLER: My name is Tina
Miller.

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MR. GHANNAM: Can you please
raise your right hands.
Do you solemnly swear in this
case -- swear or affirm to tell the truth?

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MR. MILLER: I do.
MS. MILLER: Yes, I do.
MR. MILLER: We are here tonight

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to request a dimensional variance on our
property of our primary residence, 1957 West
Lake Drive.

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As we have heard and
discussed -- heard discussed here many times,
the property widths are very narrow, and

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along with the property width that we have
purchased and have a home on, we also have an
elevation discrepancy.

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So today we are in here -- we
are here to request a variance to the
property line on both the north and south
edges for the construction of a detached
garage, which will replace, for lack of a
better word, a shed that exists there today.

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So we believe that this will
be an enhancement to the neighborhood to get
rid of a shed and put up a more
architecturally adjusted garage that fits in
the neighborhood better.

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So we are asking for a
variance on the north and south edge of the
lot, from 10 feet down to three and a half
feet.

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We are asking for a variance
from the road, from 35 feet to 19 and we are
asking for a percent usage variance from the
24 percent, 29 percent.

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CHAIRPERSON FERRELL: Thank you.
Anyone in the audience have any questions or
comments about this case?
MS. MILLER: This is our

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neighbor. She came in support.
CHAIRPERSON FERRELL: Anything
from the city?

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MR. WALSH: I just wanted to
clarify one thing on the documents that are
submitted.

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If you look at the proposed site plan, and the existing survey, which is the document right behind it.

You can see on the existing survey, there is an encroachment of a retaining wall of approximately 4.9 feet and a gravel driveway. I just want to make it clear that the proposal is to provide the new gravel driveway within the petitioner's parcel.

So I just want to make sure it's clear.

And also the new walkway it appears to be a landscape type feature. It looks like it goes right up to the lot line, which you probably keep a minimum of one foot from the property sign, so there is a foot for a setback, so the steps should be approximately 3 feet in width.

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MS. MILLER: We took the advice, when I met with you, and the architect hasn't come up the new drawings, but we did reduce the width of what was originally submitted.

MR. WALSH: It looks like it went down from 22 to 24.

CHAIRPERSON FERRELL: Open it up to the board -- oh, correspondence.

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MR. GHANNAM: In terms of notices, 26 were mailed, zero returned, zero approvals, two objections.

The first one is from Sarah Woodgate of 120 Penhill Street Lots 92 through 94 dated 7/3/2014. It actually says, Deborah Sims, personal representative of the Estate of the Sarah Woodgate Jackson. "There is an indication" -- first of all, the objection notation is circled and it says see attached. I see a note probably from someone from the city. That says, "I assume she means the attached letter from Deborah Sims, which is the second objection". Which I will go to.

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The second objection is from Douglas and Deborah Sims, 120 Penhill Lots 71 and 72, dated 7/3/2014.

They also indicate see attached. And their objection is as follows.

The attached number of photographs in a small survey, or the property to indicate, "Mr. Walsh attached is two photos showing my concerns regarding the Miller residence and Lot 12 with -- is owned by the City of Novi, with prescriptive easement rights for backlot owners of the Bloomfield subdivision.

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Photo number one and two, Mr. Miller uses over half of the lot for storage, has extended his landscaping to the storm drain, blocking the right-of-way to the lake, has built a bridge slash dock across the front of the storm drain, moors his jet

18 skis right in front of the storm drain,
19 parenthesis, the City of Novi does not allow
20 backlot easement holders this, end
21 parenthesis. His dock is extended beyond his
22 property line, parenthesis 2.9-foot south
23 side of his residence, end parenthesis.

24 These photos clearly show how
25 Mr. Miller has turned the lakefront shoreline

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1 and lot 12 into his personal property.
2 Mr. Miller has started or stated to me,
3 parenthesis, and per our conversation today,
4 you also, end parenthesis, that half of lot
5 12 was conveyed to him with the purchase of
6 his home. Does Mr. Miller plan on
7 overbuilding his lakefront property and using
8 half of lot 12 for storage and green space."

9 Again, several photographs are
10 attached.

11 CHAIRPERSON FERRELL: Open it up
12 to the board for further discussion.

13 MS. MILLER: May I be open to --

14 CHAIRPERSON FERRELL: I have a
15 question actually.

16 What they are saying, the
17 accusations of you parking your jet ski on
18 the storm drain, stuff like that, is that
19 accurate? Are you doing that?

20 MR. MILLER: The jet ski is
21 currently parked in front of -- in line with
22 the storm drain, obviously it's off the
23 shoreline to get the correct depth so we
24 could use the device.

25 It's on that side, due to

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1 some -- we were taking out a -- what they
2 call a muck mat out of the lake.

3 So we temporarily had the jet
4 skis on that side of our dock, until we could
5 remove that mat. And now that that's gone,
6 we can move the jet skis back over.

7 CHAIRPERSON FERRELL: So it's
8 just a temporary --

9 MR. MILLER: It was just a
10 temporary.

11 MS. MILLER: Today I was in and I
12 spoke with city manager and I have spoken
13 with Maureen, an ordinance officer, and I
14 think Angela can address that I have been in
15 the office several times to address that we
16 will comply.

17 When we purchased the home,
18 the fence line was over, and so we thought
19 that's where our property line was, so then
20 since we had the lot surveyed for the
21 building, we now see the appropriate line and
22 we already addressed that we will comply by
23 moving a wood pile.

24 The neighbors are, I guess,
25 disgruntled that they lost access to the lake

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1 by that city lot, and this was initiated back
2 in 2007.

3 And it continued through 2012.
4 As I was looking at research
5 on this, they seem to be carrying their
6 grudge from the former owner onto us.

7 CHAIRPERSON FERRELL: So they
8 don't have deeded access from the lake to
9 their lot, they were using somebody else's
10 property to access the lake.

11 MS. MILLER: Right, and they
12 said, well, if we can't use it, you can't use
13 it.

14 So we will fully comply with
15 moving the wood pile. It was set there so
16 that we could do some of the construction
17 without being in the way. But we are moving
18 it. And I think we have until Monday to
19 finish moving the wood.

20 And then they even were angry
21 that I had flowers planted along that.

22 CHAIRPERSON FERRELL: Is it per
23 the city ordinance officer you have until
24 Monday to move the wood pile?

25 MS. MILLER: I just told them I
0077 would do it by Monday.

1 CHAIRPERSON FERRELL: By Monday,
2 okay.

3 MS. MILLER: I think the original
4 letter of the violation of that ordinance
5 came to me on June 30th. And with vacation,
6 I said, give me two weeks, they said, sure.
7 I spoke with them again today.

8 CHAIRPERSON FERRELL: Then it
9 says something about your dock is extended
10 beyond your property. Is that --

11 MS. MILLER: That's not true.
12 Our dock is on the property line. The south
13 most portions, so that we could remove that
14 lake mat.

15 Then there were a couple of
16 sections of dock that floated across the lake
17 two seasons ago and four of the pieces were
18 reclaimed by their owners and two of them
19 remained.

20 Well, across this drain, there
21 is quite a spread, so I just put them as a
22 bridge there, which is true. I did. It's
23 quite portable. It's not fixed. But
24 children will cross that as they are crossing
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0078 from the lots and other neighbors.

1 So that's also true. And we
2 address that today to find out what legal
3 would say about it. And then I asked if
4 there was a way for me to get it legalized to
5 have flowers on our boundary, to plant
6 petunias really. It's ridiculous. But I
7 asked parks or beautification, is there some
8 way we can make it legal that I can plant on
9 the slope of the drain that's on the lot
10 adjacent to us.

11 CHAIRPERSON FERRELL: The size of
12 the garage you plan on building, is there a
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reason you are building it that big or just personal preference --
MS. MILLER: Two car garage, you have no basement, you have no attic. It has nothing to do with the building permit because clearly within lines, they're just not happy neighbors. They haven't been.
CHAIRPERSON FERRELL: Open it up to the board for discussion.
MS. MILLER: I spoke with the city manager about the existing remaining wall, Mr. Walsh, and they said, no need to

change that at this time.
MR. WALSH: Okay.
MR. GHANNAM: Certainly if you're in violation of city ordinances or other rules, you should comply.
But getting to the issues of this case, which is really all we are concerned about, the question becomes what about your garage and whether you are entitled to it.
Personally, ma'am, I have no problem, sir, I have no problem with this. I mean, you are in Michigan, you need a garage.
You're right, I think from the photograph you supplied that it does look like a shed, it's not really useable or functional as a garage.
And other -- I know we have had other people come, whether they be building new homes or simply, you know, accessory structures like a garage, they certainly have had two car garages, so I think it's reasonable under the circumstances. You simply need it. So I have no problem with this.

CHAIRPERSON FERRELL: Anybody else? Entertain a motion?
MS. KRIEGER: In Case No. PZ14-0027, for 1957 West Lake Drive, I move to approve the request for the petitioner's needs for this property, that there are unique circumstances and physical conditions of the property, such as narrowness, shallowness, shape, water, topography and similar physical conditions and the need of the variance is not due to the applicant's personal and economic difficulty because of being on the West Lake and being on Walled Lake.
The need is not self-created that the -- this is how the property came with the house and garage separate. Strict compliance with regulations governing area setback, frontage, height, bulk, density or other dimensional requirements will unreasonably prevent the property owner from using the property for a permitted purpose, or will render conformity with those regulations unnecessarily burdensome.

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The request is the minimum

1 variance necessary to do substantial justice
2 to the applicant as well as other property
3 owners in the district, and as by previous
4 testimony.

5 The requested variance will
6 not cause an adverse impact on surrounding
7 property, property values and probably
8 increase the value, or use and enjoyment of
9 the property in the neighborhood and zoning
10 district, and as per the proposed site plan
11 as discussed with the building department,
12 with the previous discussion, that they --
13 within the one foot -- that one foot and
14 3-foot for the driveway, or that pathway to
15 the house.

16 MR. GHANNAM: Second.

17 CHAIRPERSON FERRELL: Motion and
18 a second, any further discussion?

19 (No audible responses.)

20 MS. PAWLOWSKI: Chairperson
21 Ferrell?

22 CHAIRPERSON FERRELL: Yes.

23 MS. PAWLOWSKI: Member Ghannam?

24 MR. GHANNAM: Yes.

25 MS. PAWLOWSKI: Member Gronachan?

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1 MS. GRONACHAN: Yes.

2 MS. PAWLOWSKI: Member Ibe?

3 MR. IBE: Yes.

4 MS. PAWLOWSKI: Member Krieger?

5 MS. KRIEGER: Yes.

6 MS. PAWLOWSKI: Member Sanghvi?

7 MR. SANGHVI: Yes.

8 MS. PAWLOWSKI: Motion passes six

9 to zero.

10 CHAIRPERSON FERRELL: Have a good
11 evening.

12 Recalling Case No. PZ14-0012
13 44050 Twelve Mile Road, Stoneridge Office
14 Park.

15 MR. GHANNAM: I will move to
16 table it, but have we heard anything from the
17 petitioner?

18 MS. PAWLOWSKI: The applicant did
19 leave me a voicemail today and stated that
20 they had been let go from the project, and
21 that she had spoken to the owner and let them
22 know that they had a case tonight before the
23 board, and he told her not to worry about it.

24 So I'm not sure where it
25 stands.

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1 CHAIRPERSON FERRELL: Should we
2 table it to --

3 MR. WALSH: Make a
4 recommendation, we table it to the August
5 meeting and we will contact the property
6 owner and let them know that the board will
7 take action at the next meeting.

8 MR. GHANNAM: So moved.

9 MS. KRIEGER: Second.

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CHAIRPERSON FERRELL: Do we need
a voice vote?
MS. SAARELA: Sure.
CHAIRPERSON FERRELL: All in
favor for tabling Case No PZ14-0012 to August
12.
THE BOARD: Aye.
CHAIRPERSON FERRELL: Any
opposed?
(No audible responses.)
CHAIRPERSON FERRELL: Seeing
none, the case will be tabled.
Any other matters? Anything
else from the city or the board?
MR. GHANNAM: Nothing else, I'll
move to adjourn.

MS. KRIEGER: Second.
CHAIRPERSON FERRELL: All in
favor say aye.
THE BOARD: Aye.
CHAIRPERSON FERRELL: Any
opposed?
(No audible responses.)
CHAIRPERSON FERRELL: Seeing
none, we are adjourned.
(The meeting was adjourned at 8:22 p.m.)
** ** *

STATE OF MICHIGAN)
) ss.
COUNTY OF OAKLAND)
I, Jennifer L. Wall, Notary Public within and for the
County of Oakland, State of Michigan, do hereby certify that the
witness whose attached deposition was taken before me in the
above entitled matter was by me duly sworn at the aforementioned
time and place; that the testimony given by said witness was
stenographically recorded in the presence of said witness and
afterward transcribed by computer under my personal supervision,
and that the said deposition is a full, true and correct
transcript of the testimony given by the witness.
I further certify that I am not connected by blood or
marriage with any of the parties or their attorneys, and that I
am not an employee of either of them, nor financially interested
in the action.
IN WITNESS THEREOF, I have hereunto set my hand at the
City of Walled Lake, County of Oakland, State of Michigan.

