

REGULAR MEETING - ZONING BOARD OF APPEALS

CITY OF NOVI

October 14, 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, October 14, 2014

BOARD MEMBERS

Brent Ferrell, Chairperson

Mav Sanghvi

David Ghannam

Cynthia Gronachan

Rickie Ibe

James Gerblich

Thomas Schultz

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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INDEX

Case No.	Page
PZ14-0042	8
PZ14-0043	22
PZ14-0044	32

1
2
3
4
5
6
7
8
9
10
11
12
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Novi, Michigan.

Tuesday, October 14, 2014

7:00 p.m.

** ** *

CHAIRPERSON FERRELL: Calling to order the Tuesday, October 14, 2014 regular scheduled ZBA meeting.

Please rise for the Pledge of Allegiance.

(Pledge recited.)

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

MS. PAWLOWSKI: Member Gerblick is absent.

Member Ghannam?

MR. GHANNAM: Here.

MS. PAWLOWSKI: Member Gronachan?

MS. GRONACHAN: Here.

MS. PAWLOWSKI: Member Ibe?

MR. IBE: Present.

MS. PAWLOWSKI: Member Krieger is absent, excused.

Member Sanghvi?

MR. SANGHVI: Here.

MS. PAWLOWSKI: Chairperson

1 Ferrell?

2 CHAIRPERSON FERRELL: Here.

3 This is a public hearing and the
4 Rules of Conduct and the agenda is in the
5 back, anybody wishes to get a copy of that.

6 Also ask if anybody has
7 cellphones or pagers, please silence them
8 now.

9 Let everybody know, that we have
10 some members that are missing from the board,
11 if anybody wishes to table this to a further
12 date, so we have a full board, you may do so.

13 When I call you up, if you just
14 want to let us know. You do need four out of
15 five votes for it to pass.

16 Onto the approval of the minutes.
17 Any additions or errors on that, need to be
18 changed?

19 (No audible responses.)

20 CHAIRPERSON FERRELL: Anything
21 from the city?

22 MR. WALSH: No.

23 CHAIRPERSON FERRELL: All in
24 favor of the approval of the August 12, 2014
25 minutes say aye.

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THE BOARD: Aye.

CHAIRPERSON FERRELL: Any

opposed?

(No audible responses.)

CHAIRPERSON FERRELL: Seeing

none, onto September 9, 2014 minutes. Any additions or deletions?

Anything from the city?

(No audible responses.)

MR. SANGHVI: Motion to approve.

MR. GHANNAM: Second.

CHAIRPERSON FERRELL: Motion and

a second, all in favor?

THE BOARD: Aye.

CHAIRPERSON FERRELL: Any

opposed?

(No audible responses.)

CHAIRPERSON FERRELL: Seeing

none, approval of that.

Public remarks? If anybody have has anything they wish to address the board, that's not related to a case tonight, may come up now.

(No audible responses.)

CHAIRPERSON FERRELL: Seeing

1 none. Okay. If anybody wants to come and
2 have their case tabled to the next available
3 date, may come up now and do so.

4 MS. PAPPAS: Mr. Chairman,
5 Constantine Pappas representing Brightmoor
6 Christian Church.

7 We would kindly request that we
8 table the second item on the agenda to
9 November.

10 One of the things based on the
11 planner's report, I think there was a little
12 bit of mixup between the application, and the
13 actual submittal relative to the time that is
14 needed in order to publicly let the public
15 know about it.

16 So we kindly ask that the board
17 of appeals give us that opportunity to get
18 everything corrected, get it in and try to be
19 on the agenda for November.

20 MR. GHANNAM: I'll go ahead and
21 move to table item No. 2, Case PZ14-0041 to
22 the November meeting.

23 MS. GRONACHAN: Second.

24 CHAIRPERSON FERRELL: Have a
25 motion and a second, all in favor say aye.

1 THE BOARD: Aye.

2 MS. PAPPAS: We do have one
3 question whether there was any correspondence
4 that came in relative to this issue?

5 MR. GHANNAM: I can look for you
6 real quick.

7 No. You had 41 mailed items,
8 five returned mail, zero approvals, zero
9 objections.

10 MS. PAPPAS: Thank you so much.

11 CHAIRPERSON FERRELL: Seeing
12 none. Case No. PZ14-0041 has been tabled to
13 November.

14 MS. PAPPAS: Thank you.

15 CHAIRPERSON FERRELL: Anybody
16 else wish to table their case until next
17 month?

18 (No audible responses.)

19 CHAIRPERSON FERRELL: Seeing
20 none, move onto Case No. PZ 14-0037, 25885
21 Strathaven.

22 Per the staff, they wish to
23 withdraw the case?

24 MR. WALSH: That is correct.

25 CHAIRPERSON FERRELL: Hear a

1 motion to have that case withdrawn. Do we
2 have to do a motion for that?

3 MR. SCHULTZ: Yes, probably
4 should.

5 MR. GHANNAM: Motion to deny it
6 or just --

7 MR. SCHULTZ: Just to approve --

8 MR. GHANNAM: I'll move to
9 approve the withdrawal.

10 MS. GRONACHAN: Second.

11 CHAIRPERSON FERRELL: Motion and
12 a second, all in favor say aye.

13 THE BOARD: Aye.

14 CHAIRPERSON FERRELL: Any
15 opposed?

16 (No audible responses.)

17 CHAIRPERSON FERRELL: Seeing
18 none, case will be withdrawn.

19 Onto Case No. PZ14-0042, 41800
20 West Nine Mile Road. Please come up to the
21 podium, if you are not an attorney, raise
22 your right hand, be sworn in by the
23 secretary.

24 Please state and spell your name
25 for the court reporter.

1 MR. GHANNAM: State your name.

2 MR. HUTCHINSON: David

3 Hutchinson.

4 MR. GHANNAM: Do you swear or
5 affirm to tell the truth in this case?

6 MR. HUTCHINSON: Yes, sir.

7 CHAIRPERSON FERRELL: Spell your
8 name for the reporter, please.

9 MR. HUTCHINSON: D-a-v-i-d,
10 H-u-t-c-h-i-n-s-o-n.

11 CHAIRPERSON FERRELL: Go ahead.

12 MR. HUTCHINSON: I'm new to this,
13 so I may not get the format right, but I took
14 a lot of coaching from Tom and Charles, so
15 hopefully I get his right.

16 We recently acquired a piece of
17 property, a home from Mrs. Carol Butsky (ph),
18 over on Nine Mile. It's a 10-acre parcel, a
19 little over 10 acres.

20 Today the house is a very
21 traditional 30 year-old, 35 year-old saltbox
22 English style home where it's 30 by 40. It
23 does not have an attached garage to it.

24 So our plan to -- I think we
25 submitted all the plans to Tom and Charles,

1 and kind of show what we want to do.

2 We really want to add a four-car
3 garage. We are going to expand it and move
4 some walls out, add a couple thousand square
5 feet to the home.

6 I have three children, so I need
7 a little bit more living space.

8 What we are trying to do is take
9 that house and be able to put a attached four
10 car garage to it.

11 The problem we have is because of
12 the zoning, there is a barn on the property
13 that's 40 by 30, so the barn square footage
14 is approximately 1,200 square feet. We are
15 allowed 1,500 square feet according to the
16 zoning rules.

17 There is also a -- what's
18 referred to as a cow barn. It's really an
19 open faced shed. It doesn't even have doors
20 or -- it has three walls we plan to turn into
21 a cabana. So it will be part of a patio with
22 a whirlpool. Our built-in pool will be in
23 the backyard, so that will eventually kind of
24 go away. It won't go away, it will just
25 become more of an open area for seating and

1 patio and ceiling fans and all of that kind
2 of stuff.

3 So I don't know what specific
4 question you want.

5 So the architect, I can show a
6 picture of kind of like what the house is
7 going to look like from the rendering that we
8 are working on so far.

9 But it is a little over 10 acres.
10 We don't have any infringements on any
11 properties.

12 We are -- the closest property is
13 the neighbor south of us, which is over
14 200 feet away. The garage will be moving in
15 the other direction, so we are asking for
16 permission to -- our architect asked us to
17 put in 1,500 square feet. We believe the
18 garage will actually be smaller.

19 But not knowing exactly because
20 we are going through the architect drawings
21 now, before we submit to the city for the
22 overall renovation project, so this is the
23 first step in the process of making the old
24 home a little bit more of a retro fit to our
25 needs and our family's needs.

1 CHAIRPERSON FERRELL: Thank you.

2 MR. HUTCHINSON: There is one
3 number on here I did catch. It says that
4 it's over -- the variance would be greater
5 than 2,564, if that's taking into
6 consideration accessory footage around that
7 cow shed, I don't know if that's really
8 accessory footage, that may be calculated as
9 such, that will eventually become no more
10 than an awning or an overage for stuff
11 underneath it that sits behind the built-in
12 pool.

13 So maybe it's considering that.
14 So the barn will stay, the four car garage
15 will hopefully get added. Then the cow barn
16 will be converted into a seating area. Just
17 for clarification.

18 CHAIRPERSON FERRELL: Is that it?

19 MR. HUTCHINSON: Yes, sir. Any
20 questions?

21 CHAIRPERSON FERRELL: Hold on one
22 second.

23 Anybody in the audience have any
24 questions or comments about this case?

25 (No audible responses.)

1 CHAIRPERSON FERRELL: Seeing
2 none, Mr. Secretary anything
3 correspondence-wise?

4 MR. GHANNAM: We have 31 mailed
5 notices, zero returned mail, two approvals,
6 and zero objections.

7 The first approval comes from
8 Carol Butsky, 48100 Nine Mile Road, Novi,
9 Michigan, it just simply says approval and
10 it's circled.

11 Second approval comes from John
12 and Diane Kroll, 48050 Nine Mile, again it
13 just simply circles the word approval.

14 That's it.

15 CHAIRPERSON FERRELL: Thank you.
16 Anything from the city?

17 MR. WALSH: Just one comment, if
18 the existing shed that's opened on all three
19 sides is going to remain with just a rough
20 structure, then the square footage would
21 still be included in the overall accessory
22 building.

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

25 MR. SANGHVI: Sir, hi, good

1 evening. What do you use the barn for?

2 MR. HUTCHINSON: It's the coolest
3 thing on the whole property. I have got some
4 tractors in there. I have got all my tools
5 and got a couple --

6 MR. SANGHVI: You have a tool
7 shed, separate tool shed?

8 MR. HUTCHINSON: It's kind of
9 attached to the barn. It's a very small,
10 like 12 feet by 8 feet. All it is where you
11 hang all your shovels and all that kind of
12 stuff.

13 So it's just there. I don't know
14 if I will keep that. It's kind of neat to
15 have, but -- it's not --

16 MR. SANGHVI: You know what the
17 ordinance is -- you have an enormous property
18 there.

19 MR. HUTCHINSON: Yes, sir.

20 MR. SANGHVI: Nine acres, is it?

21 MR. HUTCHINSON: Huh?

22 MR. SANGHVI: How big is the
23 property?

24 MR. HUTCHINSON: It's a little
25 over 10 acres. It butts right between

1 Beckingham, Chelkingham and --

2 MR. SANGHVI: Ten acre property
3 and ordinance for one acre property. I don't
4 know how related -- what it is when you talk
5 about that kind of size of the property.

6 I have no problem granting your
7 request.

8 MR. HUTCHINSON: Thank you, sir.

9 CHAIRPERSON FERRELL: Anybody
10 else?

11 MS. GRONACHAN: Good evening. I
12 know you mentioned this. I understand that
13 you're in the early stages, but I would like
14 to get clarification on what is the largest
15 part of the garage. What's the biggest
16 square footage that you would go on the
17 garage?

18 MR. HUTCHINSON: The 1,500 is
19 maximum. We think it's less. We basically
20 took the measurement of the garage we have
21 now and it's about 1,427 square feet.

22 It's all we need, so not
23 knowing -- we didn't want to go, it would be
24 1,437 square feet and we are out of variance.
25 So we are asking for what we think is a

1 little more, but it will come in less than
2 that I'm almost certain.

3 MS. GRONACHAN: Thanks for the
4 clarification. That's all I have.

5 CHAIRPERSON FERRELL: Hear a
6 motion?

7 MS. GRONACHAN: I will give it a
8 shot.

9 In Case No. PZ14-0042, 48101 West
10 Nine Mile, I move that we approve the
11 applicant's request for the variance to allow
12 construction of a 1,500 square foot attached
13 garage to the proposed house, based on the
14 comments made by the petitioner and the
15 questions asked by the board members, that
16 the square footage would not exceed 1,500
17 square feet.

18 This decision is based on the
19 size of the lot and the conformity of the lot
20 and that there is no direct impact to the
21 neighbors or adjacent properties.

22 MR. SANGHVI: Second.

23 CHAIRPERSON FERRELL: Okay.

24 MS. GRONACHAN: Do you need
25 anything else?

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MR. SCHULTZ: That's good.

CHAIRPERSON FERRELL: Any further discussion.

(No audible responses.)

CHAIRPERSON FERRELL: Motion and a second. Ms. Pawlowski, can you call the roll, please.

MS. PAWLOWSKI: Member Ghannam?

MR. GHANNAM: Yes.

MS. PAWLOWSKI: Member Gronachan?

MS. GRONACHAN: Yes.

MS. PAWLOWSKI: Member Ibe?

MR. IBE: Yes.

MS. PAWLOWSKI: Member Sanghvi?

MR. SANGHVI: Yes.

MS. PAWLOWSKI: Chairperson Ferrell?

CHAIRPERSON FERRELL: Yes.

MS. PAWLOWSKI: Motion passes five to zero.

MR. HUTCHINSON: Thank you very much. We will invite you guys for our first Fourth of July party.

CHAIRPERSON FERRELL: Case No. PZ14-0043, 26425 Novi Road, Novi Crescent II.

1 Raise your right hand and be
2 sworn in by the secretary and state and spell
3 your name for the reporter, please.

4 MR. RYAN SCHULTZ: Ryan Schultz,
5 R-y-a-n, S-c-h-u-l-t-z.

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

8 MR. RYAN SCHULTZ: I do.

9 MR. GHANNAM: Plead proceed.

10 MR. RYAN SCHULTZ: My name is
11 Ryan Schultz, vice president Feldman Versa
12 Companies, current owners of Novi Crescent
13 Phase I, building located at the corner of
14 Novi Road, Crescent Place Boulevard.

15 We are here tonight before you to
16 seek a few variances from what we call Novi
17 Crescent Phase II, located on the Melting Pot
18 property as it currently sits.

19 We are here asking for a couple
20 variances, staff supported we have worked for
21 the last two and a half months developing the
22 site plan, coming up with the building square
23 footage and we are here before you tonight
24 seeking a 14-foot sideyard setback.

25 This is a variance along the

1 entrance ramp from 96 onto Novi Road.

2 We are also asking for a variance
3 for the loading zone based on the lineal
4 footage of the building frontage. We are
5 required to provide 1,770 square feet of
6 loading zone. We currently provide 1,751
7 square feet on this current plan.

8 There is one more variance that
9 we are also requesting tonight. That is a
10 variance from the sideyard setback for the
11 south boundary.

12 That's currently provided a
13 3-foot buffer and this configuration. We do
14 need to see a 20 foot buffer in that
15 scenario, some of the unique circumstances
16 that exist on this property, similar to when
17 we developed our phase one of this project.

18 We are fronted on both sides by
19 major thoroughfares. It causes some kind of
20 unique situations, given the sideyard, front
21 yard and rear yard setbacks that apply to us.

22 We are trying stay consistent
23 with the TC center district pushing the
24 building right on top of the right-of-way.

25 Given these kind of unique

1 parameters and development, we are here
2 before you seeking these variances.

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

6 (No audible responses.)

7 CHAIRPERSON FERRELL: Seeing
8 none, Mr. Secretary, any correspondence?

9 MR. GHANNAM: Yes, we have 13
10 mailed notices, one return mail, zero
11 approvals and zero objections.

12 CHAIRPERSON FERRELL: Okay.
13 Anything from the city?

14 MR. WALSH: No comments at this
15 time.

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

18 MR. GHANNAM: Sir, I have no
19 problem with the requests. In fact, any of
20 them I know -- we had a lot of material
21 actually on this. It appears that
22 everything -- you're planning very, very
23 carefully. Obviously you need several
24 variances to accomplish your goals and they
25 all seem, based on the entire package,

1 reasonable under the circumstances, so I have
2 no problem.

3 MR. RYAN SCHULTZ: Thank you.

4 CHAIRPERSON FERRELL: Anybody
5 else?

6 MR. SANGHVI: I have no problem.
7 Thank you.

8 MS. GRONACHAN: I just think you
9 did an excellent job on all the work that you
10 did. It should be recognized.

11 I appreciate a new business
12 coming into Novi and doing the minimum, and I
13 believe that you did that in this situation,
14 and I congratulate you on all your work.

15 MR. RYAN SCHULTZ: We appreciate
16 that.

17 We view this as certainly a
18 keystone property for us, keystone property
19 for the City of Novi. We are happy to extend
20 that TC center district even further and
21 extend that design, that design thought out
22 through the end.

23 Thank you. I appreciate it.

24 CHAIRPERSON FERRELL: Hear a
25 motion?

1 MR. IBE: Sure. Mr. Chair, in
2 Case No. PZ14-0043, Novi Crescent Phase II, I
3 move that we grant the applicant's request as
4 requested by the applicant for the following
5 reasons.

6 One, that there are unique
7 circumstances or physical conditions of the
8 property, such as narrowness, the shape, the
9 topography, some physical conditions that
10 currently exist which makes the need for a
11 variance very necessary not only for the
12 applicant to meet its goal.

13 Second, the need is not
14 self-created. Obviously, the geographical
15 location of this property itself and all the
16 other difficulties that surround it, makes it
17 such that the only way for the applicant to
18 develop this property as fit, will be to seek
19 and be granted a variance.

20 Third, strict compliance
21 regarding governing area setbacks, frontage,
22 height, bulk, density other than the natural
23 requirements, will unreasonably prevent the
24 applicant from using the property for a
25 permitted purpose.

1 And fourth, the requested
2 variance is the minimum variance that is
3 necessary to do substantial justice to the
4 applicant as well as the other property
5 owners in the district.

6 And finally, the requested
7 variance will not cause an adverse impact on
8 surrounding properties. In fact, I think the
9 development of this particular parcel will
10 significantly improve the property values in
11 the area, and will enhance the area.

12 Based on the aforementioned
13 reasons as well as the reasons stated by the
14 applicant, I move that we grant the variance
15 as requested.

16 MS. GRONACHAN: Second.

17 CHAIRPERSON FERRELL: I have a
18 motion and a second.

19 Any further discussion?

20 (No audible responses.)

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

24 MS. PAWLOWSKI: Member Ghannam?

25 MS. GRONACHAN: Yes.

1 MS. PAWLOWSKI: Member Gronachan?

2 MS. GRONACHAN: Yes.

3 MS. PAWLOWSKI: Member Ibe?

4 MR. IBE: Yes.

5 MS. PAWLOWSKI: Member Sanghvi?

6 MR. SANGHVI: Yes.

7 MR. WALSH: Chairperson Ferrell?

8 CHAIRPERSON FERRELL: Yes.

9 MS. PAWLOWSKI: Motion passes
10 five to zero.

11 MR. RYAN SCHULTZ: Thank you very
12 much everyone.

13 CHAIRPERSON FERRELL: Onto Case
14 No. PZ14-0044, 41795 Twelve Mile, Triology
15 Health Services.

16 Please state and spell your name
17 for the reporter and then raise your hand and
18 be sworn in by the secretary.

19 MR. PETRU: Greg Petru, G-r-e-g,
20 P-e-t-r-u.

21 MR. GHANNAM: Raise your right
22 hand, sir.

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

25 MR. PETRU: I do.

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MR. GHANNAM: Thank you.

MR. PETRU: Good evening. My name is Greg Petru. I'm here with Kebbs, Incorporated. We are the civil engineer for the Triology project.

We are here tonight to ask for a variance for section 2507.3 and 2303.8.1.

It's to allow us to have a loading area on the side of our courtyard. The ordinance states it should be in the rear yard.

We have been going through with the city since in February, March. We have went through woodland, wetland, and preliminary site plan approval already with the city.

And one of the unique things about this property, there is a lot of regulated wetland, there is a big regulated woodland. And, you know, it got the site laid out to the point where it's -- you know, really can't move anything else around yet.

We have storm water detention, we have wetland mitigation that we had to provide. We are trying to save as many trees

1 as we can. So I mean, I think that's one of
2 the more unique things about the site. It's
3 just really hard to work with.

4 There is also 30 feet of fall on
5 the site. So we have kind graded it, to a
6 point where we have to move it around, kind
7 of changed the whole scope of the site, as
8 far as storm water detention and mitigation
9 areas.

10 The other one is in regards to
11 the building itself. With Triology we have
12 an entrance on both ends of the building.
13 And this makes it real difficult to put the
14 courtyard in the back how we have it laid
15 out.

16 If the building were to twist
17 sideways, it could have been weird, but with
18 the size of the property, we weren't able to
19 put it sideways in this case.

20 So those are two of the things
21 that, you know, we like to keep it there.
22 You know, looking at the screened courtyard
23 too, if you look at the side, it's 400 feet
24 back from the road, wouldn't be visible from
25 Twelve Mile, wouldn't be visible from the

1 east or the south because of the courtyard.

2 Then we also are willing to put
3 up, you know, whatever type of screen we have
4 to on the west side.

5 There is already an existing pine
6 tree row on the property line. And the
7 neighboring property, they also have their
8 loading area kind of adjacent to where ours
9 is in relation to that, so they're about in
10 the same spot.

11 So, you know, I ask you guys to
12 consider our variance.

13 If you have any questions for me,
14 feel free.

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

18 (No audible responses.)

19 CHAIRPERSON FERRELL: Seeing
20 none -- or Mr. Secretary, correspondence?

21 MR. GHANNAM: We have 14 mailed
22 notices, zero returned, zero approvals and
23 zero objections.

24 CHAIRPERSON FERRELL: Anything
25 from the city?

1 MR. WALSH: No comments.

2 CHAIRPERSON FERRELL: Thank you.

3 Open it up to the board for discussion.

4 MS. GRONACHAN: Good evening. I
5 would just like clarification because in our
6 packet it indicated that the loading area
7 must be relocated to the year or receive a
8 variance.

9 So when you touched on it a
10 little bit, I just want to clarify for the
11 record.

12 If you put it to the rear of the
13 property, you would have to reconfigure the
14 entire site, is that what you're indicating?

15 MR. PETRU: Yes. I mean, where
16 the parking lot is at the south end, from the
17 south end of that parking, we have a slope
18 then it's all mitigation area, the storm
19 water detention.

20 So, I mean, to do something in
21 the rear of the lot, I mean, I'm not even
22 sure we could make some of the stuff work at
23 the bottom.

24 MS. GRONACHAN: So basically
25 because of the topography of the property,

1 that's why it really can't go into the rear?

2 MR. PETRU: Correct.

3 MS. GRONACHAN: That's my only
4 question. Thank you.

5 CHAIRPERSON FERRELL: Thank you.

6 MR. SANGHVI: Same thing. I
7 appreciate that you are trying to save the
8 wetlands. I thank you for doing that and I
9 don't mind approving this -- granting your
10 application because you are trying to save
11 the wetlands. Thank you.

12 CHAIRPERSON FERRELL: Anybody
13 else? Hear a motion.

14 MS. GRONACHAN: Again? I have
15 two attorneys sitting here though.

16 In Case No. PZ14-0044, 41795
17 Twelve Mile, Triology Health Services, I move
18 that we approve the request that the
19 applicant -- the request for variances that
20 the applicant presented in front of us to
21 allow a 600 square foot of loading area in
22 one of the interior courtyards located west
23 of the building.

24 There are unique circumstances as
25 presented by the petitioner. There are

1 physical conditions of the property, such as
2 narrowness, shallowness, shape, topography
3 and similar physical conditions and then the
4 need of the variance is not due to the
5 applicant's personal or economic difficulty.
6 As clarified in testimony, the petitioner
7 indicated that this is actually saving
8 wetlands and woodlands and the water
9 retention basin.

10 The need is not self-created
11 based on previous statements. Strict
12 compliance and regulations governing area
13 setback, frontage, height, bulk, density or
14 other dimensional requirements would be
15 unreasonable and prevent the property owner
16 from using the property for the permitted
17 use.

18 The requested variance is the
19 minimum variance necessary to substitute --
20 to do substantial justice to the applicant as
21 well as to the other property owners. Again,
22 as mentioned by the petitioner, the
23 neighboring business also has the same
24 location for their site.

25 The requested variance will also

1 not cause an adverse impact on surrounding
2 property, property values or the use and
3 enjoyment of the property in the neighborhood
4 or zoning district because this area is zoned
5 appropriately for a business district.

6 MR. SANGHVI: Second.

7 CHAIRPERSON FERRELL: A motion
8 and a second, any further discussion?

9 (No audible responses.)

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

13 MS. PAWLOWSKI: Member Ghannam?

14 MR. GHANNAM: Yes.

15 MS. PAWLOWSKI: Member Gronachan?

16 MS. GRONACHAN: Yes.

17 MS. PAWLOWSKI: Member Ibe?

18 MR. IBE: Yes.

19 MS. PAWLOWSKI: Member Sanghvi?

20 MR. SANGHVI: Yes.

21 MS. PAWLOWSKI: Chairperson

22 Ferrell?

23 CHAIRPERSON FERRELL: Yes.

24 MS. PAWLOWSKI: Motion passes

25 five to zero.

1 MR. PETRU: Thank you very much.
2 I appreciate it.

3 CHAIRPERSON FERRELL: Other
4 matters? Anything else from the city?

5 MR. WALSH: Agenda for next year.

6 CHAIRPERSON FERRELL: We need to
7 approve the agenda, is that how it works?

8 MR. SCHULTZ: If you agree with
9 them all, if you don't think you need to move
10 for anything.

11 CHAIRPERSON FERRELL: Do I hear a
12 motion?

13 MR. GHANNAM: I will move to
14 approve the 2015 proposed Zoning Board of
15 Appeal meeting dates as contained in our
16 packets.

17 MS. GRONACHAN: Second.

18 CHAIRPERSON FERRELL: Motion and
19 a second, all in favor say aye.

20 THE BOARD: Aye.

21 CHAIRPERSON FERRELL: Any
22 opposed?

23 (No audible responses.)

24 CHAIRPERSON FERRELL: Seeing
25 none, we have a calendar for next year.

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Do I hear a motion for
adjournment?

MR. GHANNAM: I move to adjourn.

MS. GRONACHAN: Second.

CHAIRPERSON FERRELL: Motion and
a second motion, 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 7:35 p.m.)

** ** *

1 STATE OF MICHIGAN)
 2) ss.
 3 COUNTY OF OAKLAND)

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

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

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

19
 20
 21 Jennifer L. Wall
 Date



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

25

<p style="text-align: center;">A</p> <p>able 10:9 26:18 absent 3:14,22 accessory 12:6,8 13:21 accomplish 20:24 acquired 9:16 acre 15:2,3 acres 9:19 11:9 14:20,25 action 34:16 actual 6:13 add 10:2,4 added 12:15 additions 4:17 5:7 address 5:21 adjacent 16:21 27:8 adjourn 33:3 adjourned 33:12,13 adjournment 33:2 adverse 23:7 31:1 affirm 9:5 18:7 24:23 aforementioned 23:12 34:7 afterward 34:10 agenda 4:4 6:8,19 32:5,7 agree 32:8 ahead 6:20 9:11 Allegiance 3:9 allow 16:11 25:8 29:21 allowed 10:15 Angela 1:18 anybody 4:5,6,11 5:20 6:1 7:15 12:23 15:9 20:4 21:4 27:16 29:12 Appeal 32:15 appeals 1:1,6 6:17 appears 20:21 applicant 22:4,12 22:17,24 23:4,14 29:19,20 30:20</p>	<p>applicant's 16:11 22:3 30:5 application 6:12 29:10 apply 19:21 appreciate 21:11 21:15,23 29:7 32:2 appropriately 31:5 approval 4:16,24 5:19 13:7,9,11,13 25:15 approvals 7:8 13:5 20:11 27:22 approve 5:10 8:7,9 16:10 29:18 32:7 32:14 approving 29:9 approximately 10:14 architect 11:5,16 11:20 area 10:25 12:16 22:21 23:11,11 25:9 27:8 28:6,18 29:21 30:12 31:4 areas 26:9 asked 11:16 16:15 asking 11:15 15:25 18:19 19:2 attached 9:23 10:9 14:9 16:12 34:6 attorney 1:17 8:21 attorneys 29:15 34:14 audible 4:19 5:4,9 5:17,24 7:18 8:16 12:25 17:4 20:6 23:20 27:18 31:9 32:23 33:10 audience 12:23 20:4 27:16 August 4:24 available 6:2 awning 12:10</p>	<p>aye 4:25 5:1,14 6:25 7:1 8:12,13 32:19,20 33:6,7</p> <p style="text-align: center;">B</p> <p>back 4:5 26:14,24 backyard 10:23 barn 10:12,13,18 12:14,15 14:1,9 based 6:10 16:13 16:18 19:3 20:25 23:12 30:11 basically 15:19 28:24 basin 30:9 Beckingham 15:1 believe 11:17 21:13 Beth 1:17 big 14:22 25:19 biggest 15:15 bit 6:12 10:7 11:24 28:10 blood 34:13 board 1:1,5,8 4:10 4:12 5:1,14,21 6:16 7:1 8:13 13:24 16:15 20:17 28:3 32:14,20 33:7 bottom 28:23 Boulevard 18:14 boundary 19:11 Brent 1:9 Brightmoor 6:5 buffer 19:13,14 building 1:16 13:22 18:13,22 19:4,24 26:11,12,16 29:23 built-in 10:22 12:11 bulk 22:22 30:13 business 21:11 30:23 31:5 Butsky 9:17 13:8 butts 14:25</p> <p style="text-align: center;">C</p>	<p>cabana 10:21 calculated 12:8 calendar 32:25 call 3:12 4:13 17:6 18:16 23:22 31:11 Calling 3:5 car 10:10 12:14 carefully 20:23 Carol 9:17 13:8 case 2:2 5:22 6:2,21 7:12,16,20,23 8:1 8:18,19 9:5 12:24 16:9 17:24 18:6 20:5 22:2 24:13 24:24 26:19 27:17 29:16 catch 12:3 cause 23:7 31:1 causes 19:19 ceiling 11:1 cellphones 4:7 center 19:23 21:20 certain 16:2 certainly 21:17 Certified 1:20 certify 34:5,13 Chair 22:1 Chairman 6:4 Chairperson 1:9 3:5,11,25 4:2,20 4:23 5:2,5,12,15 5:18,25 6:24 7:11 7:15,19,25 8:11 8:14,17 9:7,11 12:1,18,21 13:1 13:15,23 15:9 16:5,23 17:2,5,16 17:18,24 20:3,7 20:12,16 21:4,24 23:17,21 24:7,8 24:13 27:15,19,24 28:2 29:5,12 31:7 31:10,21,23 32:3 32:6,11,18,21,24 33:5,8,11</p> <p>changed 4:18 26:7 Charles 9:14,25 Chelkingham 15:1 children 10:6 Christian 6:6 Church 6:6 circled 13:10 circles 13:13 circumstances 19:15 21:1 22:7 29:24 city 1:2,6,17 4:21 5:8 11:21 13:16 20:13 21:19 25:13 25:16 27:25 32:4 34:18 civil 25:4 clarification 12:17 15:14 16:4 28:5 clarified 30:6 clarify 28:10 closest 11:12 coaching 9:14 come 5:23 6:1,3 8:20 16:1 comes 13:7,11 coming 18:22 21:12 comment 13:17 comments 12:24 16:14 20:5,14 27:17 28:1 Commission 34:22 Companies 18:12 compliance 22:20 30:12 computer 34:10 conditions 22:7,9 30:1,3 Conduct 4:4 configuration 19:13 conformity 16:19 congratulate 21:14 connected 34:13 consider 27:12</p>
---	---	--	---

<p>consideration 12:6 considering 12:13 consistent 19:22 Constantine 6:5 construction 16:12 contained 32:15 converted 12:16 coolest 14:2 Coordinator 1:18 copy 4:5 corner 18:13 correct 7:24 29:2 34:11 corrected 6:18 correspondence 7:3 20:8 27:20 correspondence-... 13:3 County 34:3,5,18 34:22 couple 10:4 14:5 18:19 court 8:25 courtyard 25:9 26:14,22 27:1 courtyards 29:22 cow 10:18 12:7,15 Crescent 17:25 18:12,14,17 22:2 CSR-4183 34:21 current 18:12 19:7 currently 18:18 19:6,12 22:10 Cynthia 1:12</p> <hr/> <p style="text-align: center;">D</p> <hr/> <p>D-a-v-i-d 9:9 date 4:12 6:3 34:21 dates 32:15 David 1:11 9:2 decision 16:18 deletions 5:7 density 22:22 30:13 deny 8:5 deposition 34:6,11</p>	<p>design 21:21,21 detention 25:23 26:8 28:19 develop 22:18 developed 19:17 developing 18:21 development 20:1 23:9 Diane 13:12 difficult 26:13 difficulties 22:16 difficulty 30:5 dimensional 30:14 direct 16:20 direction 11:15 discussion 13:24 17:3 20:17 23:19 28:3 31:8 district 19:23 21:20 23:5 31:4,5 doing 21:12 29:8 doors 10:19 drawings 11:20 due 30:4 duly 34:7</p> <hr/> <p style="text-align: center;">E</p> <hr/> <p>early 15:13 east 27:1 economic 30:5 either 34:15 employee 34:15 ends 26:12 engineer 25:4 English 9:22 enhance 23:11 enjoyment 31:3 enormous 14:17 entire 20:25 28:14 entitled 34:7 entrance 19:1 26:12 errors 4:17 evening 14:1 15:11 25:2 28:4</p>	<p>eventually 10:23 12:9 everybody 4:9 exactly 11:19 exceed 16:16 excellent 21:9 excused 3:22 exist 19:16 22:10 existing 13:18 27:5 expand 10:3 Expires 34:22 extend 21:19,21</p> <hr/> <p style="text-align: center;">F</p> <hr/> <p>faced 10:19 fact 20:19 23:8 fall 26:4 family's 11:25 fans 11:1 far 11:8 26:8 favor 4:24 5:13 6:25 8:12 32:19 33:6 February 25:13 feel 27:14 feet 10:5,14,15 11:14,17 14:10,10 15:21,24 16:17 19:5,7 26:4,23 Feldman 18:11 Ferrell 1:9 3:5,11 4:1,2,20,23 5:2,5 5:12,15,18,25 6:24 7:11,15,19 7:25 8:11,14,17 9:7,11 12:1,18,21 13:1,15,23 15:9 16:5,23 17:2,5,17 17:18,24 20:3,7 20:12,16 21:4,24 23:17,21 24:7,8 24:13 27:15,19,24 28:2 29:5,12 31:7 31:10,22,23 32:3 32:6,11,18,21,24</p>	<p>33:5,8,11 finally 23:6 financially 34:15 first 11:23 13:7 17:22 fit 11:24 22:18 five 4:15 7:8 17:20 24:10 31:25 following 22:4 foot 16:12 19:14 29:21 footage 10:13 12:6 12:8 13:20 15:16 16:16 18:23 19:4 format 9:13 four 4:14 10:9 12:14 four-car 10:2 fourth 17:23 23:1 free 27:14 front 19:20 29:20 frontage 19:4 22:21 30:13 fronted 19:18 full 4:12 34:11 further 4:11 17:2 21:20 23:19 31:8 34:13</p> <hr/> <p style="text-align: center;">G</p> <hr/> <p>G-r-e-g 24:19 garage 9:23 10:3,10 11:14,18 12:14 15:15,17,20 16:13 geographical 22:14 Gerblick 1:14 3:13 Ghannam 1:11 3:15,16 5:11 6:20 7:5 8:5,8 9:1,4 13:4 17:8,9 18:6,9 20:9,18 23:24 24:21 25:1 27:21 31:13,14 32:13 33:3 give 6:17 16:7</p>	<p>given 19:20,25 34:8 34:12 go 6:20 9:11 10:24 10:24 15:16,23 29:1 goal 22:12 goals 20:24 going 10:3 11:7,20 13:19 25:12 good 13:25 15:11 17:1 25:2 28:4 governing 22:21 30:12 graded 26:5 grant 22:3 23:14 granted 22:19 granting 15:6 29:9 greater 12:4 Greg 24:19 25:3 Gronachan 1:12 3:17,18 6:23 8:10 15:11 16:3,7,24 17:10,11 21:8 23:16,25 24:1,2 28:4,24 29:3,14 31:15,16 32:17 33:4 guys 17:22 27:11</p> <hr/> <p style="text-align: center;">H</p> <hr/> <p>H-u-t-c-h-i-n-s-o-n 9:10 half 18:21 hand 8:22 18:1 24:17,22 34:17 hang 14:11 happy 21:19 hard 26:3 Health 24:15 29:17 hear 7:25 16:5 21:24 29:13 32:11 33:1 hearing 4:3 height 22:22 30:13 hereunto 34:17</p>
---	---	--	---	---

<p>hi 13:25 Hold 12:21 home 9:17,22 10:5 11:24 hopefully 9:15 12:15 house 9:20 10:9 11:6 16:13 Huh 14:21 Hutchinson 9:2,3,6 9:9,12 12:2,19 14:2,8,19,21,24 15:8,18 17:21</p> <hr/> <p style="text-align: center;">I</p> <hr/> <p>Ibe 1:13 3:19,20 17:12,13 22:1 24:3,4 31:17,18 II 17:25 18:17 22:2 impact 16:20 23:7 31:1 improve 23:10 included 13:21 Incorporated 25:4 INDEX 2:1 indicated 28:6 30:7 indicating 28:14 infringements 11:10 interested 34:15 interior 29:22 invite 17:22 issue 7:4 item 6:8,21 items 7:7</p> <hr/> <p style="text-align: center;">J</p> <hr/> <p>James 1:14 Jennifer 1:20 34:4 34:21 job 21:9 John 13:11 July 17:23 justice 23:3 30:20</p> <hr/> <p style="text-align: center;">K</p> <hr/>	<p>Kebbs 25:3 keep 14:14 26:21 keystone 21:18,18 kind 10:1,23 11:1,6 14:8,11,14 15:5 19:19,25 26:5,6 27:8 kindly 6:7,16 know 4:9,14 6:15 11:3 12:7 14:13 14:16 15:4,12 20:20 25:20,21 26:21,22 27:3,11 knowing 11:19 15:23 Krieger 3:21 Kroll 13:12</p> <hr/> <p style="text-align: center;">L</p> <hr/> <p>L 1:20 34:4,21 laid 25:21 26:14 Lake 34:18 largest 15:14 line 27:6 lineal 19:3 little 6:11 9:19 10:7 11:9,24 14:24 16:1 28:10 living 10:7 loading 19:3,6 25:9 27:8 28:6 29:21 located 18:13,17 29:22 location 22:15 30:24 look 7:5 11:7 26:23 looking 26:22 lot 9:14 16:19,19 20:20 25:18 28:16 28:21</p> <hr/> <p style="text-align: center;">M</p> <hr/> <p>mail 7:8 13:5 20:10 mailed 7:7 13:4 20:10 27:21 major 19:19</p>	<p>making 11:23 March 25:13 marriage 34:14 material 20:20 matter 1:5 34:7 matters 32:4 Mav 1:10 maximum 15:19 mean 26:1 28:15,20 28:21 measurement 15:20 meet 22:12 meeting 1:1 3:7 6:22 32:15 33:13 Melting 18:17 Member 3:13,15,17 3:19,21,23 17:8 17:10,12,14 23:24 24:1,3,5 31:13,15 31:17,19 members 1:8 4:10 16:15 mentioned 15:12 30:22 Michigan 1:7 3:1 13:9 34:1,5,18,22 Mile 1:6 8:20 9:18 13:8,12 16:10 24:14 26:25 29:17 mind 29:9 minimum 21:12 23:2 30:19 minutes 4:16,25 5:6 missing 4:10 mitigation 25:24 26:8 28:18 mixup 6:12 month 7:17 months 18:21 motion 5:10,12 6:25 8:1,2,5,11 16:6 17:5,19 21:25 23:18 24:9 29:13 31:7,24 32:12,18 33:1,5,6</p>	<p>move 6:21 7:20 8:8 10:3 16:10 22:3 23:14 25:22 26:6 29:17 32:9,13 33:3 moving 11:14</p> <hr/> <p style="text-align: center;">N</p> <hr/> <p>name 8:24 9:1,8 18:3,10 24:16 25:3 narrowness 22:8 30:2 natural 22:22 neat 14:14 necessary 22:11 23:3 30:19 need 4:14,17 10:6 15:22 16:24 19:14 20:23 22:10,13 30:4,10 32:6,9 needed 6:14 needs 11:25,25 neighbor 11:13 neighborhood 31:3 neighboring 27:7 30:23 neighbors 16:21 new 9:12 21:11 Nine 8:20 9:18 13:8 13:12 14:20 16:10 Notary 34:4 notices 13:5 20:10 27:22 November 6:9,19 6:22 7:13 Novi 1:2,6,6 3:1 13:8 17:25,25 18:12,14,16 19:1 21:12,19 22:2 number 12:3</p> <hr/> <p style="text-align: center;">O</p> <hr/> <p>Oakland 34:3,5,18 34:22 objections 7:9 13:6</p>	<p>20:11 27:23 Obviously 20:23 22:14 October 1:3,7 3:2,6 Official 1:16 Okay 6:1 13:23 16:23 20:12 old 11:23 open 10:19,25 13:23 20:16 28:3 opened 13:18 opportunity 6:17 opposed 5:3,16 8:15 32:22 33:9 order 3:6 6:14 ordinance 14:17 15:3 25:10 overage 12:10 overall 11:22 13:21 owner 30:15 owners 18:12 23:5 30:21</p> <hr/> <p style="text-align: center;">P</p> <hr/> <p>P-e-t-r-u 24:20 p.m 3:3 33:13 package 20:25 packet 28:6 packets 32:16 Page 2:2 paggers 4:7 Pappas 6:4,5 7:2,10 7:14 parameters 20:1 parcel 9:18 23:9 parking 28:16,17 part 10:21 15:15 particular 23:9 parties 34:14 party 17:23 pass 4:15 passes 17:19 24:9 31:24 patio 10:21 11:1 Pawlowski 1:18</p>
---	--	---	---	--

<p>3:12,13,17,19,21 3:25 17:6,8,10,12 17:14,16,19 23:22 23:24 24:1,3,5,9 31:11,13,15,17,19 31:21,24 permission 11:16 permitted 22:25 30:16 personal 30:5 34:10 pertaining 20:5 27:17 petitioner 16:14 29:25 30:6,22 Petru 24:19,19,25 25:2,3 28:15 29:2 32:1 ph 9:17 phase 18:13,17 19:17 22:2 physical 22:7,9 30:1,3 picture 11:6 piece 9:16 pine 27:5 place 18:14 34:8 plan 9:24 10:20 18:22 19:7 25:15 planner's 6:11 planning 20:22 plans 9:25 Plead 18:9 please 3:8,12 4:7 8:20,24 9:8 17:7 18:3 23:23 24:16 31:12 Pledge 3:8,10 podium 8:21 point 25:21 26:6 pool 10:22 12:12 Pot 18:17 preliminary 25:15 presence 34:9 Present 1:16 3:20 presented 29:20,25</p>	<p>president 18:11 prevent 22:23 30:15 previous 30:11 probably 8:3 problem 10:11 15:6 20:19 21:2,6 proceed 18:9 Proceedings 1:5 process 11:23 project 11:22 19:17 25:5 properties 11:11 16:21 23:8 property 9:17 10:12 11:12 14:3 14:17,23 15:2,3,5 18:18 19:16 21:18 21:18 22:8,15,18 22:24 23:4,10 25:18 26:18 27:6 27:7 28:13,25 30:1,15,16,21 31:2,2,3 proposed 16:13 32:14 provide 19:5,6 25:25 provided 19:12 public 4:3 5:20 6:14 34:4 publicly 6:14 purpose 22:25 pushing 19:23 put 10:9 11:17 26:13,19 27:2 28:12 PZ 7:20 PZ14-0041 6:21 7:12 PZ14-0042 2:3 8:19 16:9 PZ14-0043 2:4 17:25 22:2 PZ14-0044 2:5</p>	<p>24:14 29:16 <hr/>Q<hr/>question 7:3 11:4 29:4 questions 12:20,24 16:15 20:4 27:13 27:16 quick 7:6 <hr/>R<hr/>R-y-a-n 18:5 raise 8:21 18:1 24:17,21 ramp 19:1 real 7:6 26:13 really 10:2,18 12:7 25:22 26:3 29:1 rear 19:21 25:10 28:12,21 29:1 reasonable 21:1 reasons 22:5 23:13 23:13 receive 28:7 recited 3:10 recognized 21:10 reconfigure 28:13 record 28:11 recorded 34:9 Recording 1:18 referred 10:18 regarding 22:21 regards 26:10 regular 1:1 3:6 regulated 25:19,19 regulations 30:12 related 5:22 15:4 relation 27:9 relative 6:13 7:4 relocated 28:7 remain 13:19 remarks 5:20 rendering 11:7 renovation 11:22 report 6:11 REPORTED 1:20</p>	<p>reporter 1:20 8:25 9:8 18:3 24:17 representing 6:5 request 6:7 15:7 16:11 22:3 29:18 29:19 requested 22:4 23:1 23:6,15 30:18,25 requesting 19:9 requests 20:19 required 19:5 requirements 22:23 30:14 responses 4:19 5:4 5:9,17,24 7:18 8:16 12:25 17:4 20:6 23:20 27:18 31:9 32:23 33:10 retention 30:9 retro 11:24 return 20:10 returned 7:8 13:5 27:22 Rickie 1:13 right 8:22 9:13,15 14:25 18:1 19:24 24:21 right-of-way 19:24 rise 3:8 road 1:6 8:20 13:8 17:25 18:14 19:1 26:24 roll 3:12 17:7 23:22 31:11 rough 13:19 row 27:6 rules 4:4 10:16 Ryan 18:4,4,8,10 18:11 21:3,15 24:11 <hr/>S<hr/>S-c-h-u-l-t-z 18:5 Saarela 1:17 saltbox 9:21</p>	<p>Sanghvi 1:10 3:23 3:24 5:10 13:25 14:6,16,20,22 15:2 16:22 17:14 17:15 21:6 24:5,6 29:6 31:6,19,20 save 25:25 29:7,10 saving 30:7 says 12:3 13:9 scenario 19:15 scheduled 3:7 Schultz 1:15 8:3,7 17:1 18:4,4,8,10 18:11 21:3,15 24:11 32:8 scope 26:7 screen 27:3 screened 26:22 seating 10:25 12:16 second 5:11,13 6:8 6:23,25 8:10,12 12:22 13:11 16:22 17:6 22:13 23:16 23:18 31:6,8 32:17,19 33:4,6 secretary 1:18 8:23 13:2 18:2 20:8 24:18 27:20 section 25:7 see 19:14 Seeing 5:5,18,25 7:11,19 8:17 13:1 20:7 23:21 27:19 31:10 32:24 33:11 seek 18:16 22:18 seeking 18:24 20:2 self-created 22:14 30:10 separate 14:7 September 5:6 Services 24:15 29:17 set 34:17 setback 18:24 19:10 30:13</p>
--	---	--	--	--

<p>setbacks 19:21 22:21 shallowness 30:2 shape 22:8 30:2 shed 10:19 12:7 13:18 14:7,7 Shorthand 1:20 shot 16:8 shovels 14:11 show 10:1 11:5 side 25:9 26:23 27:4 sides 13:19 19:18 sideways 26:17,19 sideyard 18:24 19:10,20 significantly 23:10 silence 4:7 similar 19:16 30:3 simply 13:9,13 sir 9:6 12:19 13:25 14:19 15:8 18:6 20:18 24:22 site 18:22 25:15,20 26:2,5,7 28:14 30:24 sits 12:11 18:18 sitting 29:15 situation 21:13 situations 19:20 size 15:5 16:19 26:18 slope 28:17 small 14:9 smaller 11:18 solemnly 24:23 south 11:13 19:11 27:1 28:16,17 space 10:7 specific 11:3 spell 8:24 9:7 18:2 24:16 spot 27:10 square 10:4,13,14 10:15 11:17 13:20</p>	<p>15:16,21,24 16:12 16:16,17 18:22 19:5,7 29:21 ss 34:2 staff 7:22 18:20 stages 15:13 state 8:24 9:1 18:2 24:16 34:1,5,18 stated 23:13 statements 30:11 states 25:10 stay 12:14 19:22 stenographically 34:9 step 11:23 storm 25:23 26:8 28:18 Strathaven 7:21 strict 22:20 30:11 structure 13:20 stuff 11:2 12:10 14:12 28:22 style 9:22 submit 11:21 submittal 6:13 submitted 9:25 substantial 23:3 30:20 substitute 30:19 supervision 34:10 supported 18:20 sure 22:1 28:22 surround 22:16 surrounding 23:8 31:1 swear 9:4 18:7 24:23 sworn 8:22 18:2 24:18 34:7</p> <hr/> <p style="text-align: center;">T</p> <hr/> <p>table 4:11 6:8,21 7:16 tabled 6:2 7:12 take 10:8</p>	<p>taken 1:5 34:6 talk 15:4 TC 19:23 21:20 tell 9:5 18:7 24:24 Ten 1:6 15:2 testimony 30:6 34:8 34:12 thank 7:10,14 12:1 13:15 15:8 17:21 20:3 21:3,7,23 24:11 25:1 27:15 28:2 29:4,5,8,11 32:1 Thanks 16:3 THEREOF 34:17 thing 14:3 29:6 things 6:10 25:17 26:2,20 think 6:11 9:24 15:19,25 21:8 23:8 26:1 32:9 Third 22:20 Thomas 1:15,16 thoroughfares 19:19 thought 21:21 thousand 10:4 three 10:6,20 13:18 time 6:13 20:15 34:8 Today 9:20 Tom 9:14,25 tonight 5:22 18:15 18:23 19:9 25:6 tool 14:6,7 tools 14:4 top 19:24 topography 22:9 28:25 30:2 touched 28:9 tractors 14:4 traditional 9:21 transcribed 34:10 transcript 34:12 tree 27:6</p>	<p>trees 25:25 Triology 24:14 25:5 26:11 29:17 true 34:11 truth 9:5 18:7 24:24 try 6:18 trying 10:8 19:22 25:25 29:7,10 Tuesday 1:7 3:2,6 turn 10:20 Twelve 24:14 26:25 29:17 twist 26:16 two 13:5 18:21 26:20 29:15 type 27:3</p> <hr/> <p style="text-align: center;">U</p> <hr/> <p>underneath 12:11 understand 15:12 unique 19:15,20,25 22:6 25:17 26:2 29:24 unreasonable 30:15 unreasonably 22:23 use 14:1 30:17 31:2</p> <hr/> <p style="text-align: center;">V</p> <hr/> <p>values 23:10 31:2 variance 12:4 15:24 16:11 18:25 19:2 19:8,10 22:11,19 23:2,2,7,14 25:7 27:12 28:8 30:4 30:18,19,25 variances 18:16,20 20:2,24 29:19 Versa 18:11 vice 18:11 view 21:17 visible 26:24,25 votes 4:15</p> <hr/> <p style="text-align: center;">W</p> <hr/> <p>Wall 1:20 34:4,21 Walled 34:18 walls 10:4,20 Walsh 1:16 4:22 7:24 13:17 20:14 24:7 28:1 32:5 want 4:14 10:1,2 11:4 15:23 28:10 wants 6:1 water 25:23 26:8 28:19 30:8 way 22:17 weird 26:17 went 25:14 weren't 26:18 west 1:6 8:20 16:9 27:4 29:22 wetland 25:14,19 25:24 wetlands 29:8,11 30:8 whirlpool 10:22 willing 27:2 wish 5:21 7:16,22 wishes 4:5,11 withdraw 7:23 withdrawal 8:9 withdrawn 8:1,18 witness 34:6,8,9,12 34:17 woodland 25:14,20 woodlands 30:8 word 13:13 work 21:9,14 26:3 28:22 worked 18:20 working 11:8 works 32:7 wouldn't 26:24,25</p> <hr/> <p style="text-align: center;">X</p> <hr/> <p style="text-align: center;">Y</p> <hr/> <p>yard 19:21,21 25:11 year 28:7 32:5,25</p>
--	---	---	--

year-old 9:21,21	3			
Z	3-foot 19:13			
ZBA 3:7	30 9:21,22 10:13			
zero 7:8,8 13:5,6	26:4			
17:20 20:10,11	31 13:4			
24:10 27:22,22,23	32 2:5			
31:25	35 9:21			
zone 19:3,6	4			
zoned 31:4	40 9:22 10:13			
zoning 1:1,5 10:12	400 26:23			
10:16 31:4 32:14	41 7:7			
0	41795 24:14 29:16			
1	41800 8:19			
1,200 10:14	45175 1:6			
1,427 15:21	48050 13:12			
1,437 15:24	48100 13:8			
1,500 10:15 11:17	48101 16:9			
15:18 16:12,16	5			
1,751 19:6	6			
1,770 19:5	600 29:21			
10 9:19 11:9 14:25	7			
10-acre 9:18	7:00 3:3			
11/12/15 34:22	7:35 33:13			
12 4:24 14:10	8			
13 20:9	8 2:3 14:10			
14 1:3,7 3:2,6 27:21	9			
14-0037 7:20	9 5:6			
14-foot 18:24	96 19:1			
2				
2 6:21				
2,564 12:5				
20 19:14				
200 11:14				
2014 1:3,7 3:2,6				
4:24 5:6				
2015 32:14				
22 2:4				
2303.8.1 25:7				
2507.3 25:7				
25885 7:20				
26425 17:25				