

REGULAR MEETING - ZONING BOARD OF APPEALS

CITY OF NOVI

January 12, 2016

Proceedings taken in the matter of the ZONING BOARD OF APPEALS, at City of Novi, 45175 West Ten Mile Road, Novi, Michigan, on Tuesday, January 12, 2016

BOARD MEMBERS

Cindy Gronachan, Chairperson

Brent Ferrell, Secretary

David Byrwa

Jonathan Montville

Mav Sanghvi

Linda Krieger

ALSO PRESENT: Charles Boulard, Building Official

Beth Saarela, City Attorney

Coordinator: Stephanie Ramsay, Recording Secretary

REPORTED BY: Jennifer L. Wall, Certified Shorthand Reporter

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Novi, Michigan.

Tuesday, January 12, 2016

7:00 p.m.

** ** *

CHAIRPERSON GRONACHAN: Good evening. I would like to call the January 2016 Zoning Board of Appeals to order.

Would you please all rise for the Pledge of Allegiance.

(Pledge recited.)

CHAIRPERSON GRONACHAN:

Ms. Ramsay, would you please call the roll.

MS. RAMSAY: Member Ferrell?

MR. FERRELL: Here.

MS. RAMSAY: Member Krieger?

MS. KRIEGER: Present.

MS. RAMSAY: Member Sanghvi?

MR. SANGHVI: Here.

MS. RAMSAY: Member Byrwa?

MR. BYRWA: Here.

MS. RAMSAY: Member Reichert, is absent, excused.

Member Montville?

MR. MONTVILLE: Here.

1 MS. RAMSAY: Chairperson
2 Gronachan?

3 CHAIRPERSON GRONACHAN: Present.

4 Thank you. For this evening's
5 meeting, we have four cases.

6 Before we get started, just a
7 little housekeeping, there is a set of rules
8 and regulations set on the back counter.

9 I'm asking that everyone
10 please turn off your cellphones at this time,
11 and review the rules of conduct.

12 Also, we need to -- the next
13 piece of business is to approve the agenda.

14 Are there any changes or
15 omissions or changes to the agenda?

16 (No audible responses.)

17 CHAIRPERSON GRONACHAN: Seeing
18 none, all those in favor?

19 THE BOARD: Aye.

20 CHAIRPERSON GRONACHAN: None
21 opposed.

22 The minutes for the
23 approval -- now we need approval for the
24 minutes from November 10th.

25 The minutes, has everyone had

1 a chance to review the minutes?

2 MS. SAARELA: Page 57, line four,
3 where it says, "tell that", that should have
4 been whether.

5 And line five and six where it
6 says, "residents laws", that should have been
7 ordinance.

8 Page 58, line two, where it
9 says, "law was created" should have been lot
10 was created.

11 And page 59, line 12 where
12 there is a question mark, there should have
13 been a period.

14 That's it.

15 CHAIRPERSON GRONACHAN: Thank
16 you. Any other changes?

17 (No audible responses.)

18 CHAIRPERSON GRONACHAN: It's been
19 a long while since we have had any changes.

20 Member Sanghvi?

21 MR. SANGHVI: Thank you, Madam
22 Chair.

23 I just wanted to point out, I
24 wasn't present at this meeting, it would be
25 appropriate for me to abstain from voting on

1 it.

2 CHAIRPERSON GRONACHAN: Okay.

3 All those --

4 MS. KRIEGER: Me, too.

5 CHAIRPERSON GRONACHAN: The
6 November meeting you were here.

7 MS. KRIEGER: Unh-unh.

8 CHAIRPERSON GRONACHAN: Oh, no.

9 So we have four people voting
10 on the November minutes. Any other changes?

11 (No audible responses.)

12 CHAIRPERSON GRONACHAN: Seeing
13 none, all those in favor of the changes that
14 were made to the agenda say aye.

15 THE BOARD: Aye.

16 CHAIRPERSON GRONACHAN: No
17 opposed.

18 The meeting -- or the minutes
19 for the November 10th meeting have been
20 approved with noted changes.

21 Right along. At this time, if
22 there is anyone in the audience that wishes
23 to make comment to the ZBA, that is not
24 relevant in any of the cases that are coming
25 before us tonight, they can do so now.

1 Is there anyone in the
2 audience that wishes to make any comment to
3 the board this evening?

4 (No audible responses.)

5 CHAIRPERSON GRONACHAN: Seeing
6 none, we will call our first case. Case No.
7 PZ15-0043, Croskey Lanni.

8 Is the petitioner here?
9 Please come on down.

10 Intercity City Neon on behalf
11 of Symmetry Property Management and Croskey
12 Lanni at 44725 Grand River Avenue.

13 The applicant is requesting a
14 variance from the city code of ordinance to
15 allow a wall sign of 32.5 five square feet
16 located at the front face of Grand River of
17 the building.

18 Good evening, would you both
19 please -- or either one of you attorneys?

20 MS. HOLKE: No.

21 CHAIRPERSON GRONACHAN: Would you
22 both please state your names, spell them for
23 our recording secretary and raise your right
24 hand and be sworn in by our secretary.

25 MS. HOLKE: My name is Donna

1 Holke, H-o-l-k-e. I'm representing Intercity
2 Neon, the address is 32920 Amber, Warren,
3 Michigan 48089.

4 MS. SUTTON: Dawn Sutton,
5 S-u-t-t-o-n, representing Symmetry Property
6 Management at 4198 Orchard Lake Road, in
7 Orchard Lake, Michigan, 48323.

8 MR. FERRELL: Both raise your
9 right hand. Do you both swear to tell the
10 truth in the testimony you're about to give?

11 MS. HOLKE: Yes.

12 MS. SUTTON: Yes.

13 MS. HOLKE: We are here to
14 propose putting an illuminated sign, a halo
15 illuminated sign for Croskey and Lanni, on
16 their wall, on the store front on the
17 building front, 14 and a half inches high by
18 24-foot seven inches wide.

19 We originally came before the
20 board in June of 2014, and this was approved
21 with the contingency that they remove their
22 name from the existing monument sign.

23 At that time, things were put
24 on hold and when they finally decided to go
25 ahead with it, the Zoning Board of Appeals

1 had expired as well as the permits had
2 expired.

3 So we are here now asking for
4 the same thing that we got 18 months ago.

5 In the meantime, we have
6 changed the monument sign to remove their
7 name and just has the other tenants on it.

8 Croskey Lanni is one of the
9 major tenants in the building, and that's why
10 they want to have their name on the building.

11 CHAIRPERSON GRONACHAN: Do you
12 have the diagram of your --

13 MS. HOLKE: Yes.

14 CHAIRPERSON GRONACHAN: Like to
15 put it on the overhead.

16 MS. SUTTON: There is a banner on
17 the wall, now, showing that, just the same
18 size.

19 CHAIRPERSON GRONACHAN: Anything
20 else?

21 MS. HOLKE: No. Do you want to
22 see the monument sign, too?

23 CHAIRPERSON GRONACHAN: Please.

24 Is there anyone in the
25 audience that has comment in regard to this

1 case?

2 (No audible responses.)

3 CHAIRPERSON GRONACHAN: Seeing
4 none, building department?

5 MR. BOULARD: Nothing to add.

6 CHAIRPERSON GRONACHAN:

7 Mr. Secretary, are there any
8 objections to the request?

9 MR. FERRELL: There was 14
10 letters mailed, 14 letters returned, zero
11 approval letters received, zero objection
12 letters received.

13 CHAIRPERSON GRONACHAN: Okay,
14 thank you. Board members?

15 MR. BYRWA: In an I1 zoned
16 district, what is the maximum allowable wall
17 signage?

18 CHAIRPERSON GRONACHAN: While we
19 are waiting for the answer, is there anything
20 else?

21 MR. BYRWA: I was also wondering
22 if that could be a request, that could be
23 included in part of the write-up, when the
24 city looks at that, so we know that it's a
25 deviation of the maximum allowable, so many

1 square feet. It's going to X amount of
2 square feet.

3 Right now we just have a blank
4 statement saying, well, we want 32 and a half
5 feet and it violates the city ordinance.

6 But for those of us who aren't
7 familiar with the city ordinance --

8 MR. BOULARD: I apologize. We
9 are having some technical issues.

10 MR. BYRWA: Is that pretty close,
11 would you know, or --

12 MR. BOULARD: 65 square feet is
13 the typical larger sign, but that would be at
14 the -- an option to have the ground sign.

15 MR. BYRWA: Would be the
16 subtraction, are we combining like ground
17 signs with wall signs for a maximum
18 allowable, or are we just deviating from the
19 maximum wall sign, or --

20 MR. BOULARD: Well, because they
21 have the ground sign, the wall sign would not
22 necessarily be allowed by right at all.

23 So the entire sign is an
24 additional sign, as it was granted before.
25 Whatever size, it's all additional.

1 MR. BYRWA: That clears it up,
2 good.

3 CHAIRPERSON GRONACHAN: Member
4 Sanghvi?

5 MR. SANGHVI: Thank you. I have
6 got one question.

7 How is this different than
8 what we already passed in the previous ZBA
9 meeting? Is this just a request for renewal
10 or is this something different?

11 MR. BOULARD: There is a time
12 limit in the ordinance, once you get a
13 variance, you need to pull a permit and carry
14 that through, or if it's a use that was
15 exempted, there is actually a shorter window,
16 that's six months. I believe this is a year.

17 So basically, it is expired,
18 and they're back to renew exactly the same
19 thing.

20 MR. SANGHVI: Just a renewal of
21 the previous --

22 MR. BOULARD: Yes, exactly what
23 was there before.

24 MR. SANGHVI: No other changes?

25 MR. BOULARD: No.

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CHAIRPERSON GRONACHAN: Any other questions?

(No audible responses.)

CHAIRPERSON GRONACHAN: Is there a motion? Member Ferrell.

MR. FERRELL: In Case No. PZ15-0043 Croskey Lanni, I move that we grant the variance in Case No. PZ15-0043, sought by Croskey Lanni on behalf of Intercity Neon for renewal of the expired approval that was approved back in June of 2014. And they had removed the ground sign as required by the ZBA --

MS. HOLKE: Their name off the ground sign.

MR. FERRELL: The petitioner will be (unintelligible) granted or limited with respect to the use of the property. The property is unique. The petitioner has not created the condition.

The relief ground -- the relief granted will not unreasonably interfere with adjacent or surrounding properties. The relief is consistent with the spirit and intent of the ordinance.

1 And by complying and following
2 the direction of the ZBA, and taking the name
3 off the ground sign and renewing the expired
4 prior approval, I move that we grant the
5 request.

6 MS. KRIEGER: Second.

7 CHAIRPERSON GRONACHAN: It's been
8 moved and seconded. Is there any further
9 discussion?

10 (No audible responses.)

11 CHAIRPERSON GRONACHAN: Seeing
12 none, Ms. Ramsay, would you please call the
13 roll.

14 MS. RAMSAY: Member Ferrell?

15 MR. FERRELL: Yes.

16 MS. RAMSAY: Member Krieger?

17 MS. KRIEGER: Yes.

18 MS. RAMSAY: Member Sanghvi?

19 MR. SANGHVI: Yes.

20 MS. RAMSAY: Member Byrwa?

21 MR. BYRWA: Yes.

22 MS. RAMSAY: Member Montville?

23 MR. MONTVILLE: Yes.

24 MS. RAMSAY: And Chairperson
25 Gronachan?

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CHAIRPERSON GRONACHAN: Yes.

MS. RAMSAY: Motion passes six to zero.

CHAIRPERSON GRONACHAN: Better luck this time on your sign. Good luck. Your motion -- your request has been granted, and I am sure you will be in touch with the building department.

MS. HOLKE: Thank you.

MS. SUTTON: Thank you.

CHAIRPERSON GRONACHAN: Moving right along. We've got our next case as PZ15-0032, Citygate Marketplace. Is the petitioner here? Would you like to come down and get set up.

Doraid Markus on behalf of Citygate Marketplace at 27200 Beck Road, north of Grand River Avenue, and east of Beck Road.

The applicant is requesting variances to allow construction of a 5,908 square foot building with a retail space and two fast food restaurants.

It looks you guys have done your homework.

1 I will also remind the board
2 members this is -- this case, although
3 different petitioners, was previously before
4 the board in October of 2013, I believe.

5 MR. MARKUS: That is correct.

6 CHAIRPERSON GRONACHAN: So before
7 you two chat with us, why don't you give us
8 your names, if you are not attorneys, to our
9 recording secretary, spell them out and you
10 will be sworn in by our secretary.

11 MR. MARKUS: My name is Doraid
12 Markus, last name Markus, M-a-r-k-u-s. I am
13 the principal of the development, one of the
14 owners that owns this piece of property.

15 I am an attorney, but I am not
16 wearing my attorney hat today. I'm
17 representing myself as a developer, not an
18 attorney, I just want to make that clear.

19 MR. BUTLER: My name is Jim
20 Butler, B-u-t-l-e-r, PEA, civil engineer
21 consultant, address is 2430 Rochester Court,
22 Suite 100, Troy, Michigan 48083.

23 MR. FERRELL: If you want --

24 MR. DRAIN: My name is
25 Mark Drain. I'm with Rugvoy Architects,

1 that's spelled R-u-g-v, as in Victor, o-y.
2 My address is 32500 Telegraph Road, in
3 Bingham Farms, Michigan and my last name is
4 spelled D-r-a-i-n.

5 MR. FERRELL: Would everyone
6 raise their right hand.

7 Do you all swear to tell the
8 truth in the testimony you're about to give?

9 MR. MARKUS: Yes.

10 MR. BUTLER: Yes.

11 MR. DRAIN: Yes.

12 MR. FERRELL: You may proceed.

13 MR. MARKUS: Some brief history.
14 We went to the Planning Commission, we were
15 there once before where we were denied, and
16 it was a nice wake-up call.

17 We came with adjustments to
18 the plan, and with a lot of work with the
19 staff, we were able to get the Planning
20 Commission approval on this site.

21 As you know, we are here today
22 on two issues, the building setback as well
23 as the parking setback.

24 The second very unique -- I
25 know you guys' history with this sight with a

1 prior owner. There are a few things going
2 on, the narrowness of the property, the lack
3 of direct access to any other main road.

4 Obviously that's huge here,
5 there is an easement with Chase Bank.

6 There is also some wetland
7 issues throughout the property that we have
8 had to mitigate and work around. And there
9 is also no direct access, narrowness.

10 Other things that make this
11 property very difficult to deal with, we have
12 come up with what we think is the best use of
13 this property in this plan. But the best use
14 of it requires us to be here for these two
15 variances.

16 The first variance obviously
17 you require a 50-foot building setback. We
18 can only meet 21 and a half the way we have
19 this designed. To require us to do a 50-foot
20 setback, you would have one of two things,
21 building way in the back of the property,
22 that nobody will see, or a skinny building
23 that doesn't work for anybody.

24 With what we propose, 21 and a
25 half feet is actually better than what the

1 last applicant was here for, the prior owner,
2 he had requested 15 feet. So we're better
3 by -- better than him by six feet, six and a
4 half feet.

5 The other thing is there is a
6 20-foot building -- excuse me, parking
7 setback. But because of the drive-thru,
8 which is, you know, structure that stacks
9 onto the building itself, we can only meet a
10 two and a half feet -- there was no such
11 variance put on the prior applicant,
12 obviously that's true, but we are doing a lot
13 of things to mitigate that by putting a
14 screen wall, none the things that
15 (unintelligible) with your staff to mitigate
16 that issue as well.

17 We are asking for a variance
18 on these two based on these hardships. I
19 think Jim may have a couple of other things
20 to add to that, to show what we have going on
21 here.

22 MR. BUTLER: Yes, as Mr. Markus
23 had mentioned, we are proposing Citygate to
24 install a screen wall, with a fence on top to
25 provide screening.

1 We obviously don't have a
2 buffer to meet the requirements pursuant to
3 the ordinance. We did work with the city's
4 landscaping architect, and came up with this
5 solution, we thought it was reasonable and
6 could provide screening for those cars in the
7 drive-thru. So we are meeting what we think
8 is the intent of the ordinance.

9 MR. MARKUS: In addition to that,
10 the gas station across Citygate is in the
11 same situation we are in, so we are
12 duplicating what they have obviously. They
13 were granted a similar easement.

14 CHAIRPERSON GRONACHAN: Anything
15 else, gentlemen?

16 MR. MARKUS: Nothing further. We
17 are here to answer any questions.

18 CHAIRPERSON GRONACHAN: Thank
19 you. Is there anyone in the audience that
20 wishes to make comments on this case this
21 evening?

22 Sir, would you please come
23 down. Gentleman, can I ask you to move this
24 over here, so we don't have anybody walking
25 into it, to make it a little easier and

1 people can still --

2 MR. RICHARDSON: Good evening,
3 everyone. Nice to see you on this lovely
4 evening.

5 My name is Ralph Richardson.
6 I'm from South Lyon. 24574 (inaudible).

7 I am here as a citizen and
8 regular member of the community that drives
9 through that intersection a lot.

10 My son got T-boned a few years
11 back right at that same intersection, Grand
12 River and Beck.

13 When I heard about this
14 development coming in, it was interesting,
15 having a Starbucks in the community is always
16 a good thing, but as I looked at it, I
17 realized there are few things that trouble
18 me.

19 One is, I helped to develop a
20 building here in town about eight years ago,
21 and we had to meet every variance. There
22 wasn't a variance, we had to meet every
23 standard.

24 So when I look at this, one of
25 the other things they are asking for, a zero

1 setback. We couldn't get a zero setback for
2 anything.

3 So I guess if this is a new
4 standard, that should be something the board
5 does.

6 The traffic, as I understand
7 it, this plan was approved based on the idea
8 that Citygate Street would be developed
9 through to Grand River. So the people coming
10 in and out would have a second access point.

11 Subsequent to that approval,
12 Blair Bowman lost -- or did not have in
13 possession the land to do this development,
14 and therefore, it's not being done. So the
15 whole premise of building this would be
16 drive-thru.

17 If the concept of too much
18 traffic, based on the drive-thru was being
19 approved because of the additional access,
20 not having the additional access means, that
21 there is still too much traffic, and this is
22 going to cause hazards on Beck Road and Grand
23 River.

24 Now, they're a big company,
25 Starbucks, world's largest coffee shop. As a

1 matter of fact, there are three Starbucks
2 within 1,000 yards of this building. So, I
3 don't think it will hurt them to put up a
4 standard Starbucks. It seems to me in
5 fairness, they should not be given variances
6 that other businesses are not given. They
7 shouldn't be given the added advantage. Let
8 them build Starbucks, as they would on that
9 property, as it was designed and zoned.

10 Thank you for your time.

11 CHAIRPERSON GRONACHAN: Thank
12 you. Is there anyone else?

13 (No audible responses.)

14 CHAIRPERSON GRONACHAN: Seeing
15 none, building department.

16 MR. BOULARD: I just wanted to
17 mention that at the beginning, this project
18 went to Planning Commission twice and to try
19 to make sure that -- the advertisement is
20 kind of a worst case scenario, so what was
21 advertised in the public notice is one case,
22 or both cases, I think more of a variance,
23 than what is actually being requested. Maybe
24 Mr. Butler could clarify that.

25 But I just wanted to make sure

1 we understood, that's why that was done, to
2 make sure whatever happened that you could
3 consider a variance tonight.

4 Other than that, I will stand
5 by for questions. Thank you.

6 CHAIRPERSON GRONACHAN:

7 Mr. Secretary, is there any
8 correspondence?

9 MR. FERRELL: Madam Chair, 12
10 letters mailed, two letters returned, zero
11 approvals, zero objection letters received.

12 CHAIRPERSON GRONACHAN: Thank
13 you. Board members. Member Sanghvi?

14 MR. SANGHVI: Thank you, Madam
15 Chair. I have a couple questions for the
16 building department.

17 Did this project go through
18 Planning Commission?

19 MR. BOULARD: Yes. This project
20 went through the planning process, it went to
21 Planning Commission and the Planning
22 Commission basically asked the applicant to
23 go back and rethink things, reconsider, take
24 another hard look at it. They have done
25 that.

1 They went back to the Planning
2 Commission, they approved it. They looked at
3 the traffic, they looked at the traffic and
4 the other issues.

5 What's before this body
6 tonight is the request for the two variances,
7 for the building setback and the parking
8 setback, which also includes the access drive
9 for the drive-thru.

10 MR. SANGHVI: (Unintelligible) to
11 include the Planning Commission,
12 deliberations about any case that came to
13 ZBA, so we know what we have done, so we have
14 the whole picture.

15 And while I'm on the subject,
16 I might as well suggest that we also receive
17 the minutes of the previous meeting, when the
18 same case shows up again to the ZBA, so all
19 of the members are aware of what went on, not
20 only people who have been around for a long
21 time.

22 And anyway, coming back to the
23 current case in question, how many parking
24 spots are you going to put there?

25 MR. BUTLER: We have 81 provided,

1 required is 74. So we have 81.

2 MR. SANGHVI: What are the
3 stipulated number of parking spots required
4 for these two fast food joints and other
5 things that are going to come up here?

6 MR. BOULARD: As the petitioner
7 mentioned, the required parking is 74, they
8 provided in excess of that. So that was
9 based on the proposed usage that were
10 included in the site plan application.

11 MR. MARKUS: If I can mention one
12 thing, with the traffic. The traffic was
13 studied extensively, not only by our
14 consultant, but by the city consultant. It
15 took about two months to go back and forth so
16 we can get the real hard numbers. By every
17 single model what we proposed works in every
18 single way, so traffic does -- at first
19 glance and first impression seemed like a
20 huge problem, when you get down to the
21 science of it.

22 So there was no issue
23 whatsoever by your consultant or our
24 consultant, which both agreed.

25 MR. SANGHVI: The very fact that

1 where your development is located, and the
2 kind of business you are planning to have, I
3 think traffic will flow easily to where it's
4 an important issue, or over time, especially
5 after businesses are picking up --

6 MR. BUTLER: That is what
7 traffic --

8 MR. SANGHVI: May I finish.

9 MR. BUTLER: I apologize.

10 MR. SANGHVI: And so these are
11 all very relevant questions before we
12 deliberate on this issue. Thank you ma'am.

13 CHAIRPERSON GRONACHAN: Thank you
14 Member Sanghvi.

15 Anyone else?

16 MS. KRIEGER: That egress, it's
17 just turn right only, correct?

18 MR. BOULARD: I believe that's
19 the current case.

20 MS. KRIEGER: To go in, can
21 somebody turn left into that coming
22 southbound?

23 MR. MONTVILLE: I believe it's
24 limited by hours during the day. I believe
25 it's between seven and seven, you cannot turn

1 left.

2 MR. BOULARD: Thank you. I
3 haven't tried to make that turn lately.
4 There is some discussion about that
5 intersection.

6 MS. KRIEGER: I suppose if
7 somebody is going in for a coffee, Tim
8 Hortons is there, then they are going to
9 work, they get on the expressway, that's the
10 perfect setup, but the other speaker was
11 saying, about the -- there was supposed to be
12 a ring road that exited at Grand River, where
13 are we with that?

14 MR. BOULARD: My understanding
15 current is the next development that occurs
16 will require the completion of that ring
17 road.

18 MS. KRIEGER: Okay.

19 MR. BOULARD: But once again, I
20 think it's important to -- I think it's
21 important to keep the perspective that the
22 planning commission has deliberated and made
23 those decisions, subject to just the setback
24 issue -- the setback issue, and those issues
25 are the -- are the issues before the board

1 tonight. So planning commission has already
2 approved the site plan, contingent upon the
3 setback issues, but if I may be so bold, the
4 traffic, the parking and things like that are
5 not really part of this case. Thank you.

6 MS. KRIEGER: Thanks, too. So
7 for the -- they're having the screening, the
8 landscaping, they have packing, which is
9 allowable, they have gone through planning,
10 so I have no contention with this now. Thank
11 you.

12 CHAIRPERSON GRONACHAN: Thank
13 you. Member Montville.

14 MR. MONTVILLE: You gentlemen can
15 just spend a quick second, give us some
16 highlights or bullet points on the process
17 you went through in designing the structure,
18 given the type of business that's going in,
19 the minimum variance that you're requesting,
20 so that it can be a viable business.

21 MR. MARKUS: When we initially
22 came to the planning commission, we had a
23 plan that was a little bit different, which
24 the main difference was there was not a
25 kick-out lane for the drive-thru, so if you

1 circulate into the drive-thru, you were stuck
2 there while this car had to decide to go or
3 not to go and if you were caught in an
4 emergency, you had to wait.

5 We came and reduced the site,
6 to add a pass-thru lane for safety feature,
7 so that way, if you get stuck in the
8 drive-thru, you change your mind, you have to
9 get out of there, you can leave the
10 drive-thru without being stuck there in an
11 emergency.

12 Some other modifications that
13 the Planning Commission wanted, which we
14 adhered to, you know, further study to the
15 traffic study that was requested by the
16 Planning Commission and the city, and we met
17 all of those requirements, so we provided all
18 this information through their site plan and
19 the Planning Commission obviously passed it,
20 sent it back, I believe, six, zero without
21 any hesitation.

22 I understand that there are
23 other issues that are being brought up now
24 from the Planning Commission. I understand
25 this obviously is always a concern, but we

1 did everything that the staff wanted us to
2 do, in terms of the site plan approval, we
3 met everything they wanted them to do --
4 wanted us to do rather.

5 MR. MONTVILLE: Thank you. I
6 have no problems with the variance as
7 requested at this time. Thank you.

8 CHAIRPERSON GRONACHAN: Anyone
9 else? Is there a motion?

10 MR. MONTVILLE: I can make a
11 motion, Madam Chair.

12 CHAIRPERSON GRONACHAN: Go ahead.

13 MR. MONTVILLE: In Case
14 PZ15-0032, sought by Doraid Markus on behalf
15 of Citygate Marketplace, I move that we grant
16 the two variances as requested for the
17 following reasons. The need for the variance
18 is not self-created, due to the abnormal
19 nature of the lot, given the wetlands to the
20 east side of the lot and also the narrowness
21 of the lot.

22 Strict compliance with the
23 dimensional regulations of the ordinance
24 would have a significant negative economic
25 and safety impact on the business in that

1 lot.

2 The petitioners have proven
3 that they have done what's necessary to
4 extend the lot, not necessarily just for
5 their business, but also for safety
6 conditions.

7 They have also established
8 it's the minimum variance for those same
9 reasons.

10 And the requested variance
11 will have not an adverse impact on the
12 surrounding property, especially given the
13 screening and the landscaping that the
14 petitioner has offered to put on the northern
15 exposure of the lot between the -- their lot
16 and the tenant -- the Tim Horton's and the
17 USA To Go, the north facing exposure of the
18 lot.

19 So with that said, I move that
20 we grant the two variances as requested.

21 MR. BOULARD: If I may, the
22 variances that you're currently requesting, I
23 believe are less than what was noted in the
24 advertisement.

25 Could you clarify what those

1 dimensions are.

2 MR. MARKUS: I'm going to have my
3 engineer give you the exact numbers. He's
4 more of a numbers guy than I am.

5 MR. BUTLER: The request for the
6 building setback, we are requesting for
7 28 feet or 50 feet is required, so the
8 building would be setback 21 and a half feet.

9 For the parking and pavement
10 setback, the 20 feet, we are asking for a
11 variance of two and a half feet -- or 17 and
12 a half feet, so we would have a two and a
13 half foot strip.

14 MR. BOULARD: So 21 and a half
15 and 28 don't add up to 50. We need 28 and a
16 half.

17 MR. BUTLER: 28.5 and 21.5 adds
18 up to 50.

19 MR. BOULARD: So if I might
20 suggest that that -- those numbers be
21 included in the motion.

22 CHAIRPERSON GRONACHAN: Make a
23 friendly amendment, is that -- ask for a
24 friendly amendment to your motion that we add
25 21 and a half feet from variance one and 28.5

1 for variance two.

2 MR. MARKUS: It's required to be
3 50 for the first variance. We are only
4 offering 21 and a half feet as the buffer,
5 you need a 50-foot buffer. We can only
6 accommodate for 21 and a half feet.

7 The second variance requires
8 us to have a 20 foot buffer, we could only
9 accommodate a two and a half foot buffer,
10 with all the other things we are adding, such
11 as a fence and the landscaping.

12 CHAIRPERSON GRONACHAN: We need
13 to --

14 MR. BOULARD: So the variances
15 would be 28 and a half feet, so the building
16 setback is 17.5 feet for the --

17 MR. BUTLER: Correct, yes.

18 MR. MONTVILLE: I am in favor of
19 the friendly amendment, be specific the first
20 variance, they're requesting 21 and a half
21 feet as opposed to the standard 50, and for
22 the second variance requested, they are
23 requesting 17 and a half foot variance, two
24 and a half proposed versus the standard
25 20 feet.

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MR. FERRELL: Second.

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

(No audible response.)

CHAIRPERSON GRONACHAN:

Ms. Ramsay, would you please call roll.

MS. RAMSAY: Member Ferrell?

MR. FERRELL: Yes.

MS. RAMSAY: Member Krieger?

MS. KRIEGER: Yes.

MS. RAMSAY: Member Sanghvi?

MR. SANGHVI: Yes.

MS. RAMSAY: Member Byrwa?

MR. BYRWA: Yes.

MS. RAMSAY: Member Montville?

MR. MONTVILLE: Yes.

MS. RAMSAY: Chairperson Gronachan?

CHAIRPERSON GRONACHAN: Yes.

MS. RAMSAY: Motion passes six to zero.

MR. MARKUS: Thank you.

CHAIRPERSON GRONACHAN:

1 Congratulations. Welcome to
2 Novi and we will be looking forward to a hot
3 cup of coffee.

4 MR. MARKUS: Be open late July,
5 early August.

6 CHAIRPERSON GRONACHAN: Our next
7 case is PZ15-0045, Brian Vojtkofsky, 25687
8 Cody lane, east of Beck Road and south of
9 Eleven Mile.

10 The applicant is requesting
11 variances to allow construction of a fence
12 within an exterior sideyard, the home is
13 located on the corner lot.

14 And I would take it that you
15 are Ryan?

16 MR. VOJTKOFSKY: Yes, correct.

17 CHAIRPERSON GRONACHAN: Are you
18 both going to testify?

19 MR. VOJTKOFSKY: Yes.

20 CHAIRPERSON GRONACHAN: Please
21 state your names, spell them, and be sworn.

22 MR. VOJTKOFSKY: My name is Ryan
23 Vojtkofsky, and it's V, as in Victor, o-j-t,
24 as in Tom, k, as in Kevin, o-f, as in Frank,
25 s, as in Sam, k-y. Address is 25687 Cody

1 Lane, Novi, Michigan 48374.

2 MS. KAUR: Hello, my name is
3 Gurvir, last name K-a-u-r. I live at 25687
4 Cody Lane, Novi, Michigan 48374.

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

8 MR. VOJTKOFSKY: Yes. First off,
9 I want to say thank you for hearing this
10 variance request.

11 So my wife and I bought the
12 home on Cody Lane just over two months ago in
13 November of last year.

14 When we were looking for a
15 home, one of our biggest wants was to be able
16 to have a full fence in the backyard.

17 When our realtor was speaking
18 with the previous homeowner, we were told
19 because the house had an existing pool and a
20 fence, that we would be able to extend the
21 fence to encompass the backyard.

22 And at that point, the
23 homeowner provided us a signed letter from
24 three of the board members on the HOA,
25 stating that the premise could -- we could

1 fence the entire backyard.

2 Shortly after that, the
3 homeowner actually put us in touch with
4 Maureen Underhill. I'm not sure if he was
5 contacted by her first or he contacted her,
6 but anyway, he put us in touch with her and
7 we found out that because this was a corner
8 lot, that half of what was perceived as our
9 rear yard, we thought was the rear yard is
10 actually considered the second front yard,
11 and therefore, fell under the 30-foot minimum
12 front yard setback.

13 So at that point, we reached
14 out to the homeowner and he took a proposed
15 drawing -- I'm sorry.

16 So he took a proposed drawing
17 of what we wanted to do outlined, and had two
18 of the board members sign this as additional
19 approval.

20 So at that point, you know, we
21 felt we had approval from the HOA, and based
22 on the bylaws, and multiple other houses in
23 the subdivision, having fences around their
24 entire yard, that we should be able to do
25 this.

1 So really our goal here is to
2 essentially create a safe play area for our
3 pets and future children while being able to
4 fully utilize all of our property.

5 You know, using -- based on
6 what Maureen had sent me, this drawing is of
7 the house and lot, and it shows a -- you
8 can't really see it. It shows a red line
9 right through the middle of the rear yard
10 where we can do this.

11 What we believe is that leaves
12 us with a large amount of effectively unsafe
13 or unusable land if we were to erect a fence
14 halfway through the rear yard.

15 You know, as far as safety is
16 concerned, you know, being on the corner lot,
17 there is always the risk of pets and children
18 getting in the street, ball gets kicked,
19 whatever.

20 You know, I know it's a
21 residential home, but there is -- really all
22 it takes is one time. So we really want it
23 able to protect our lot and use it.

24 And, you know, another thing
25 is, we want to protect our pets. We want to

1 be able to let them out without interaction
2 of wildlife animals and other animals in the
3 subdivision.

4 When we walk the pets at
5 night, there are many people who let their
6 dogs out in the front yard with electric
7 fences, some without electric fences, and,
8 you know, the dogs are roaming around. We'd
9 like to protect ourselves at night a little
10 bit more and our animals.

11 So basically, what we want to
12 do is extend the fence out to one foot back
13 from the sidewalk. I have that drawing here.
14 So again, I apologize, you can't see very
15 well, it should be in the pamphlet. But we
16 want to come one foot back from the sidewalk
17 along an existing tree line.

18 And it really matches pretty
19 much the house that is at the entrance to our
20 subdivision, as well as three additional
21 houses within one mile that have this same
22 variance.

23 You know, since there are
24 houses in the immediate area, we don't
25 believe this provides any negative impact or

1 value to the community.

2 In addition, we would be using
3 an approved decorative fence outlined in the
4 bylaws.

5 So just want -- again just
6 provide, it will be a slotted pool fence, so
7 the same you would find around the pool now.
8 And that's kind of it.

9 CHAIRPERSON GRONACHAN: Thank
10 you. Is there anyone in the audience that
11 wishes to make comment, please come down.

12 MS. BICA: Good evening. Short
13 here. I am their realtor, Peggy Bica, from
14 Coldwell Banker Preferred in Plymouth,
15 Michigan.

16 CHAIRPERSON GRONACHAN: Would you
17 just spell your last name for our recording
18 secretary.

19 MS. BICA: B, as in boy, i-c-a.

20 I just kind of want to tie
21 their feelings together, on the realtor end
22 of it.

23 As we were going through this
24 process, the house that we purchased really
25 was not even up for sale.

1 I had called them because they
2 were the association president at the time.
3 He called me back and said, listen, you know,
4 we are going to sell the house, come and see
5 it.

6 All that went fine.

7 The main thing, I had worked
8 with them on every house we looked at, was
9 can we have a fence.

10 So when we addressed that, he
11 said, you know, I believe you can, this was
12 the owner of the house at the time, let me
13 address it with the association.

14 We went through and got the
15 signatures we needed, also called the city
16 and I believe it was Maureen, she had said,
17 once we have the approval of the association,
18 then it should be fine.

19 Now, as you will hear later,
20 what their other presentation are, although
21 there is only the one entrance into the
22 subdivision, it's actually two subs. Unless
23 you live there, you wouldn't know that. So
24 one of the houses that we're referring to
25 that is fenced in, yes, it's in the same sub,

1 but it has a different name, has a different
2 association. No one would know that.

3 But this young couple that
4 came through, bought their first home, they
5 were very excited, and went through all the
6 bells and whistles we felt appropriate to go
7 through, and a day after they moved in, was
8 impacted by one of the neighbors telling
9 them, I hope you didn't order your fence yet
10 because we are getting a petition against
11 you.

12 They had already signed --
13 they had just moved in that day, so I
14 realized I'm bringing an emotional part into
15 this, but we had felt that we jumped through
16 all the hoops we needed to jump through and
17 that we were good to go when we sat at that
18 closing table.

19 Now, this young couple is very
20 strong on what they want on their house.
21 Besides the fact that Ryan, being a trained
22 landscaper, this is not going to look
23 horrible. It will have beautiful
24 landscaping, as it does now, the fence around
25 there.

1 But I feel that we felt we did
2 the right thing, and I think that not
3 approving this will put a for sale sign up in
4 those young kids home, and that -- it might
5 not affect anyone else, but I think it should
6 be felt about.

7 And that's all I have to say.

8 CHAIRPERSON GRONACHAN: Is there
9 anyone else in the audience that wishes to
10 make comment on this case. Come on down,
11 please.

12 MR. TURNER: Good evening. My
13 name is Bob Turner. I have been a resident
14 in Novi since 1990.

15 Most of the subdivisions that
16 I have lived in, don't have fences. They're
17 open, they're attractive subdivisions.

18 Across the street from me is
19 the house in question. They're talking about
20 putting a fence in. The rules are such that
21 the fence can be there, they can expand where
22 they're at, but there is a certain setback
23 required. Most of us don't have an objection
24 to that. We do have an objection to the
25 fence encompassing the whole property. There

1 is a lot of people in the subdivision
2 including myself, we have pets. We have
3 dogs. We don't have fences. They weren't
4 approved by the board, homeowners
5 association, you couldn't have a fence for
6 dogs.

7 Essentially that is what this
8 is. It's a fence to house dogs. And we
9 don't think that's correct to have that in
10 our subdivision. We like the open feel.
11 That's it.

12 CHAIRPERSON GRONACHAN: Thank
13 you. Is there anyone else?

14 MR. GIAMPA: Good evening. My
15 name is John Giampa. I live at 25647 Laramie
16 in Novi.

17 CHAIRPERSON GRONACHAN: Please
18 spell your last name.

19 MR. GIAMPA: G-i-a-m-p-a.

20 I am here to ask that the
21 board deny the variance request for this
22 fence.

23 I live across Laramie Drive
24 from the property we are talking about. I
25 have lived there for 20 years.

1 When we were shopping for our
2 house back in 1995, an important criteria was
3 a neighborhood that had rules that protected
4 its natural beauty.

5 We understand that in order to
6 maintain that open look that there would be
7 rules and restrictions that all neighbors
8 would have to live by.

9 Over the past 20 years, we
10 have been very happy with the fact that the
11 city ordinances and bylaws have been
12 enforced, which is why we think we have a
13 beautiful neighborhood today.

14 It's very important to me that
15 we preserve these restrictions because they
16 protect the beauty, safety and value of the
17 homes in our neighborhood.

18 So I'm asking that the board
19 deny the variance request and here are my
20 reasons.

21 First of all, rationale. The
22 fence variance is being justified because the
23 property owners have dogs. I would estimate
24 that 40 percent of the houses in the
25 neighborhood have dogs, all of them live

1 within the same rules.

2 Having a dog in our
3 neighborhood is not a unique situation. I do
4 not see why it would warrant abandoning our
5 fence restrictions.

6 Second one, slippery slope.
7 It's been my experience that as soon as you
8 waive the rule for one person, you will be
9 expected to waive that rule for everybody
10 else. That it will no longer be consistently
11 enforced.

12 I think that waiving this
13 fence restriction just because someone has a
14 dog, will open the door to the next five
15 people with pets asking for the same
16 exception. Even if the proposed fence is a
17 nice fence with beautiful landscaping, who
18 knows what the next five people are going to
19 want.

20 Then if you think that the
21 concerns of a slippery slope are unlikely and
22 pessimistic, know that just it's already
23 happened in this meeting, just two minutes
24 ago, the homeowner pointed to exceptions that
25 the city made for other fences, saying that

1 the city must now make the same exceptions
2 for them. So we have already seen it happen.

3 I guess finally, the approval
4 process. On requesting the variance, it was
5 stated that homeowners association has
6 already provided a signed approval. I want
7 to make it very clear that the residents who
8 make up the homeowners association have never
9 discussed this fence variation, were never
10 presented with an opportunity to vote on it.

11 I'm not sure what the back
12 story is that resulted in an assigned
13 approval form, but it did not have the input
14 of the residents.

15 So, for you, if you make the
16 decision to approve this variance, you will
17 be doing so without the approval of the
18 people who make up the homeowners
19 association. And you are now being made
20 aware of that.

21 So thank you very much.

22 CHAIRPERSON GRONACHAN: Is there
23 anyone else?

24 MR. GROVE: My name is Gary
25 Grove, G-r-o-v-e. I live at 25679 Laramie,

1 right across the street from the proposed
2 fence.

3 Little bit of background,
4 there is 64 homes in the sub. There is only
5 six pools, that's the only fences in the sub
6 right now are around pools. All of them are
7 totally in the backyard except for the fence
8 in question, is on a corner lot. It
9 presently sits back about 70 or 80 feet from
10 the lot line, so a couple of things.

11 One is this was on a City of
12 Novi website, titled residential fence
13 requirements. You can see it says right
14 there, fences must be approved by the
15 subdivision homeowners association if
16 applicable.

17 As to the approval that they
18 submitted, the most of important thing on
19 there is the first line, it says, "in
20 compliance the bylaws of Article 6, Section
21 11 and 14", here is Article 6, Section 11 and
22 14 out of our bylaws, specific for walls and
23 fences. "Wrought iron fencing may be used on
24 permitted -- or on any unit and locations
25 approved by developers for the purpose of

1 enclosing a permitted swimming pool. The
2 side yards and rear yard, but not the front
3 yard of any unit may be enclosed. Provided
4 that the street side of the corner unit shall
5 be considered second front yard for the
6 purposes of foregoing limitations".

7 So it specifically says in our
8 bylaws, at Section 14 it would not allow
9 this. But this thing that was typed by the
10 previous homeowner, I believe, who used to be
11 the president, who is no longer in our
12 subdivision, says, in compliance with the
13 bylaws of Article 6, Section 11 and 14.

14 So, you know, we are at a
15 little disadvantage because this just all
16 came up. This just showed up recently. We
17 looked on the website, and we are scrambling,
18 but we haven't been able to have a meeting,
19 but I can guarantee you that there is no way
20 that of the 64 homeowners, 32 would approve
21 this waiver, and it's up to the board to
22 withhold -- to uphold the laws, not to just
23 decide when they want to waive them.

24 I mean, this is a law. This
25 is a law. He's asking you to waive it.

1 The board should have felt
2 that it shouldn't have come to this. We
3 shouldn't have been wasting our time. We
4 shouldn't be making enemies out of our brand
5 new neighbor, the board should uphold it,
6 instead they sign something that isn't legit
7 and now they're trying to get you to think
8 that our subdivision agrees with it. Thank
9 you.

10 CHAIRPERSON GRONACHAN: Just one
11 moment. Is it Mr. Hope?

12 MR. GROVE: Grove.

13 CHAIRPERSON GRONACHAN: I'm
14 sorry. Would you put that letter back up on
15 the thing, please.

16 MR. GROVE: Which one?

17 CHAIRPERSON GRONACHAN: From the
18 homeowners association.

19 Would you mind reading to
20 everyone what that letter says, please.

21 MR. GROVE: "In compliance with
22 the bylaws of our Article 6, Sections 11 and
23 14, I hereby approve the modification of the
24 existing wrought iron fence, which currently
25 encompasses the existing pool and pool area

1 to be expanded to encompass the entire rear
2 yard of the home, not to exceed said property
3 line. The newly added fence must be the same
4 material and color as the existing wrought
5 iron fence."

6 CHAIRPERSON GRONACHAN: I think
7 it's important to point out that the only
8 thing that this letter approves is the rear
9 yard.

10 It does not say that this
11 petitioner, that they approved the side yard
12 request that this petitioner is requesting.
13 Nobody is approving the entire rear yard.

14 MR. FERRELL: It's a corner lot.

15 CHAIRPERSON GRONACHAN: I just
16 wanted to point that out. Thank you for
17 reading that. I appreciate that.

18 Anyone else?

19 (No audible responses.)

20 CHAIRPERSON GRONACHAN:

21 Correspondence?

22 MR. FERRELL: Yes, Madam Chair,
23 there were 19 letters mailed, one letter
24 return, two approval letters received, 12
25 objection letters received and a homeowner

1 approval was also attached.

2 CHAIRPERSON GRONACHAN: How many
3 objections again?

4 MR. FERRELL: Twelve.

5 CHAIRPERSON GRONACHAN: Thank
6 you. Building department?

7 MR. BOULARD: Thank you. If I
8 could take the opportunity, I just want to
9 try to describe the -- provide a little bit
10 of clarity here.

11 The City of Novi does not and
12 cannot enforce the neighborhood restrictions,
13 your bylaws and so on. The reason that that
14 document that the gentleman showed us on our
15 website, that we do our absolute best to make
16 sure that we don't issue a permit for
17 something that the neighbors or one neighbor
18 is going to find an issue.

19 So we try to beg, we try to
20 stomp our feet, we try to do everything we
21 can to get folks, whatever the alteration is,
22 to go and talk to their homeowner
23 association.

24 Because if you start a garage
25 then -- if you start a garage that's allowed

1 by the city, but not allowed in your HOA
2 rules, then the homeowners association uses
3 their (inaudible) to gather knowledge to sue
4 you, then stop it because none of us --
5 that's money that could have better be spent
6 by everyone else.

7 So that said, if there are
8 issues -- my suggestion would be if there are
9 issues with the HOA and the approval that was
10 granted, I'm not sure what the mechanism for
11 granting approvals is in your bylaws, but I
12 would suggest that you address that in
13 whatever fashion is appropriate in the
14 matter.

15 In terms of the City of Novi
16 zoning ordinance, our zoning ordinance
17 clearly states that the house on a corner
18 that you have an exterior side yard and the
19 fence is not allowed, and that there is an
20 exception for pools, that's why you're here.

21 And based on the features of
22 the lot, and the particular situation, but
23 particularly the lot and the physical
24 features and shape of it and so on, are going
25 to be the basis for this decision whether its

1 appropriate to have that there.

2 The other question that I was
3 not able to tell, didn't appear that it was a
4 large issue, was would there be an issue with
5 visibililty around that curve?

6 MR. VOJTKOFSKY: No, sir, there
7 should not be. From the corner here --
8 sorry. Let me pull it up.

9 From the corner of Cody and
10 Laramie, the front of our house, there is
11 81 feet I believe to where our garage ends.

12 So making a left turn from
13 Cody onto Laramie would not -- coming the
14 opposite way on the corner. There is
15 currently pine trees in the way, or in the
16 area.

17 So this is looking from our
18 garage, going towards the back of the lot.
19 And we would -- effectively the vision is
20 obstructed by those trees.

21 MR. BOULARD: So the fence would
22 be outside the trees?

23 MR. VOJTKOFSKY: On the far back
24 trees, it would be on the inside of our
25 property and on the sidewalks, I guess we

1 would go on the outside of the trees.

2 MR. BOULARD: So it would be
3 outside of the trees?

4 MR. VOJTKOFSKY: Yes.

5 MR. BOULARD: Thank you.

6 CHAIRPERSON GRONACHAN: Thank
7 you. Board members? Member Sanghvi?

8 MR. SANGHVI: Thank you. Before
9 I comment on this particular case, I think we
10 need to some kind of clarification by the
11 city attorney.

12 We have had this situation
13 before. And in previous instance, the
14 homeowners association had not approved the
15 variance request.

16 In this particular instance, I
17 believe it was approved, even though some of
18 the residents have an objection to it.

19 I think the clarification I am
20 looking for, and everybody else here, from
21 the city attorney, if the city ordinances are
22 not bound to abide by the bylaws of the
23 subdivision homeowners associations?

24 MS. SAARELA: No. Your decision
25 would not be wholly based on whether or not

1 it's approved by the homeowners association.

2 All you're taking into
3 consideration is whether that is an impact on
4 how it affects the surrounding property
5 owners.

6 So, whether or not it's
7 approved is not -- should not be a deciding
8 factor. The bylaws of the homeowners
9 association would be something that would
10 provide a separate means of enforcement for
11 the association to, I guess, stop -- stop
12 something going in, by filing a lawsuit.

13 But that -- you know, the
14 impact of those bylaws or the legal effect of
15 the bylaws is not really the concern of the
16 ZBA.

17 So whether neighbors object
18 and whether it impacts the neighbor's
19 property negatively, is that a concern of the
20 ZBA, yes, but just simply because the bylaws
21 are not being followed one way or the other
22 should that be a determining factor for your
23 decision, no.

24 MR. SANGHVI: Thank you. Coming
25 to you. I did come and visit your place.

1 You have a beautiful home.

2 MR. VOJTKOFSKY: Thank you very
3 much.

4 MR. SANGHVI: But I agree, you
5 have -- around the back, Laramie goes back, I
6 drove around three times to find out what was
7 the potential of the problem. I empathize
8 with you. I also have a small dog, and we
9 also have a problem, and I also recognize
10 people don't realize that there are wildlife
11 roaming around, in spite of all the residents
12 around here, in some of the subdivisions in
13 the City of Novi.

14 And I also want to commend you
15 for your presentation. I think you did a
16 remarkably good job presenting your case.
17 And I recognize your hardship.

18 And in spite of the objection
19 of some of your neighbors, I feel that I will
20 support your application. Thank you.

21 CHAIRPERSON GRONACHAN: Thank
22 you, sir. Anyone else? Member Krieger?

23 MS. KRIEGER: I have a question
24 about like where the trees are on that site,
25 and the sidewalk, there is a city easement.

1 Is there any of that belonging to the city
2 where they are proposing?

3 MR. BOULARD: The fence would
4 not -- under no circumstances would the fence
5 be allowed in the public right-of-way.

6 So I believe the -- in the
7 presentation, the gentleman indicated the
8 desire was to place the fence one foot back
9 of the property line, that would be out of
10 the right-of-way. If everything else falls
11 into place.

12 MS. KRIEGER: That's a lot of
13 weed whacking to do in the summer.

14 Because like they were
15 speaking before about the right-of-way,
16 driving around, it would be a lot of easier
17 to see a wrought iron fence than if you
18 planted a whole bunch of tuja (ph) plants.

19 I understand the predicament
20 of having pets and children and the wild
21 animals that roam in Novi, like coyotes,
22 foxes. Because there a pool and the nature
23 of the request, I can support this.

24 CHAIRPERSON GRONACHAN: Anyone
25 else? Member Montville.

1 MR. MONTVILLE: Just to clarify
2 with the building department, so this isn't a
3 size of the fence request, this is just a
4 fence request, is that correct?

5 MR. BOULARD: The request is for
6 the location of the fence, dimensions from
7 the property line.

8 MR. MONTVILLE: So if they were
9 to expand their fence currently, in any way
10 that would require a variance?

11 MR. BOULARD: I'm not sure. I
12 don't believe the fence now is all the way to
13 the exterior side. I believe they could -- I
14 believe they could expand the fence in
15 accordance with the city ordinances to be
16 somewhat larger without the full request.

17 MR. MONTVILLE: So ask the
18 petitioner, given that you have a preexisting
19 fence with a pool, which is necessary, would
20 it be an option to, as opposed to extending
21 it throughout your entire lot, extending
22 maybe so it was flush with the house, or a
23 smaller expansion, without going all the way
24 to the end of your lot, closer to the
25 sidewalk?

1 MS. KAUR: That's what the city
2 ordinance allows.

3 MR. VOJTKOFSKY: To go to the
4 side of the house. This drawing here, the
5 ordinance allows us to, so our fence is right
6 here and the ordinance allows us up to here
7 and back along the yard, or through the
8 middle of the yard.

9 MR. MONTVILLE: So would it be
10 accurate to say that it could extend your
11 fence without requesting a variance? The
12 variance is because of additional space per
13 your --

14 MR. VOJTKOFSKY: The one caveat
15 to that is that -- I'm so sorry.

16 You can't see these very well.
17 So this is kind of from the back corner lot.
18 From the edge of the house going back where
19 we would be able to place it, there is
20 existing -- there is existing bushes, patio
21 and a stone fireplace.

22 We would have to do some, you
23 know, removal of bushes to allow access to
24 the yard from the back -- or put an
25 additional gate outside just to the patio

1 entrance.

2 MR. MONTVILLE: So it would be
3 useful to put a gate there and then even to
4 your point about having room for your pets
5 similar to your other neighbors using
6 potentially an invisible fence for the area
7 you have shaded off.

8 MR. VOJTKOFSKY: Yes.

9 MR. MONTVILLE: Then you not
10 would have to request a variance in that
11 instance?

12 MR. VOJTKOFSKY: Correct.

13 MR. MONTVILLE: Open it back to
14 my board members. I have some hesitations
15 with the variance as it has been requested.
16 I would not be able to support it as written.

17 CHAIRPERSON GRONACHAN: Thank
18 you. Anyone else? I guess it's my turn.

19 So I've got to get my head
20 wrapped around this because when I first came
21 in here this evening, I looked at this case,
22 I didn't understand the request for the
23 variance, quite honestly.

24 I'm sliding towards the side
25 of Member Montville, about the invisible

1 fence for the dogs. If this is truly for the
2 animals, okay.

3 And I understand that there is
4 a coyote out on the east side of the city,
5 but you're in a new neighborhood, and it's
6 unfortunate that based on this -- the
7 testimony that was given, it almost sounds to
8 me like there was some confusion as to what
9 could be done.

10 So if you reel it all back to
11 the beginning, it's the homeowners due
12 process, if you will, to do their homework,
13 to do their due diligence.

14 And it is unfortunate that you
15 were -- if I'm wrong about this, that you
16 were misguided, from based on the testimony
17 that I heard.

18 I have a problem with bringing
19 that fence all the way up to the sidewalk. I
20 think that you can solve this problem, if it
21 is about the dogs, without a variance, you
22 don't even need a variance, to bring the
23 fence up to alongside of the house, the pool
24 is covered, the dogs have more room and then
25 you don't need the variance.

1 I guess what I'm not clear
2 about is why all the way to the front of the
3 yard. I know that you made some references
4 to it.

5 That there was some lost
6 space, but have you given that serious
7 thought and consideration without coming for
8 the variance?

9 MR. VOJTKOFSKY: Yes, ma'am, we
10 have. You know, we talked a lot about the
11 dogs, that's our immediate, is the dogs, but
12 we also would like to have the entire area
13 for children when, we have children, without
14 having to worry about road traffic.

15 I also have a very, very
16 emotional issue with allowing wild animals
17 onto our property. My six year-old dog has
18 battled, or survived leptospirosis, which is
19 transferred through wild animal feces. And
20 because of that, I really want to keep my
21 entire yard as secluded as possible from the
22 wild life and the nearby wetlands.

23 CHAIRPERSON GRONACHAN: Okay.
24 Thank you. Member Ferrell?

25 MR. FERRELL: I kind of disagree.

1 I don't think we should be telling the
2 homeowners they should get an electric fence.
3 If they want a fence for their dog, they
4 should be allowed to get the kind of fencing
5 they want. You know, I understand the issue
6 with the residents, however, I don't believe
7 they were misguided, as you will state it. I
8 believe there were informed by the homeowner,
9 who was actually the president of the
10 association, which he did indeed at the time,
11 I believe, correct me if I'm wrong, he was
12 the acting president when he signed the
13 document.

14 MR. VOJTKOFSKY: He did not sign
15 the document.

16 MR. FERRELL: One guy said he
17 did.

18 MR. VOJTKOFSKY: He presented it
19 to the board, and to the new president,
20 Laurie, who is actually here, so she can help
21 provide some data on this.

22 It was Laurie and two other
23 board members, Gloria and Cynthia.

24 MR. FERRELL: Who was the acting
25 president that is no longer the president?

1 MR. VOJTKOFSKY: The homeowner,
2 the gentleman, Rodney, who -- his wife, I'm
3 sorry, his wife, Sally Fasetti, was the
4 acting president at the time and she did not
5 sign that because they were selling the house
6 and transferring presidency over to Laurie.

7 CHAIRPERSON GRONACHAN: So the
8 current president is the one that signed it?

9 MR. VOJTKOFSKY: Correct.

10 MR. FERRELL: It has been
11 approved by the association, for sure, there
12 is no issue with that?

13 MR. VOJTKOFSKY: Correct.

14 MR. FERRELL: Okay. So I don't
15 think you were misguided in your information
16 you got from your realtor, from the
17 homeowners, or from the association.

18 You kind of went through the
19 process there you were supposed to. Granted
20 this is going to upset some people. It's
21 unfortunate that it has to happen that way.

22 I am definitely in support of
23 supporting the fence. I don't feel that
24 there is much difference, if you were to cut
25 the fence down by your side of your house or

1 if you were to extend it to the sidewalk.

2 I don't see -- you're still
3 going to see the fence, it's still going to
4 be there. You benefit from that, and you'll
5 have more room in your yard. It might make
6 somebody happy if it's pushed back. I don't
7 really buy that personally, so I am
8 definitely in support of your request.

9 MS. KAUR: Thank you.

10 CHAIRPERSON GRONACHAN: Is there
11 a motion? Member Byrwa, go ahead.

12 MR. BYRWA: Looking at that, you
13 know, I have lived in Novi for about 22 years
14 in a fence-less subdivision, and you know,
15 it's pretty much almost customary to the
16 neighborhood that people don't have fences.

17 And when I see out, kind of
18 right at the sidewalk, it's kind of like in
19 your face and it's a little more than I'm
20 comfortable with. You have the right to
21 modify your appeal any time prior to us
22 voting and stuff, but I would be voting
23 against it, you know, just for the sake of,
24 you know, fence-less subdivision, to throw it
25 out right up against the sidewalk like that,

1 you know, it's just a blatant, you know, kind
2 of violation of what everybody else in the
3 subdivision is living by.

4 So to maintain the integrity,
5 kind of like, or the standard established
6 harmony of the subdivision, I would be voting
7 against it in its present location.

8 MS. KAUR: There are --

9 CHAIRPERSON GRONACHAN: You have
10 to hold on.

11 MR. FERRELL: Madam Chair --

12 CHAIRPERSON GRONACHAN: I'm going
13 to put some comments on the board -- if you
14 don't mind -- on the record.

15 So first of all, when I
16 said -- I didn't tell them that they should
17 get an electric fence. I suggested that they
18 could.

19 Our job as board members is to
20 see if there is an opportunity to do less of
21 a variance. That's what I was stating
22 earlier. That's why I was asking those
23 questions. I was not very clearly telling
24 you what you should or shouldn't do. I was
25 trying to gather facts so I can make my

1 decision, number one.

2 Number two, I'm still not
3 clear about all of this, what happened. I
4 feel bad for you guys, okay. And I am not
5 happy with this either. I have bought a
6 house, but that's on a personal note, okay.
7 So that's why I'm struggling with this.

8 I concur with Member Byrwa.
9 And I am going to suggest that you postpone
10 this. That you go back to the homeowners
11 association, that you sit down, have coffee,
12 talk it over, and find out if there is not
13 another solution.

14 And the reason why I'm
15 suggesting that is because this is your
16 palace that you bought. And I don't agree
17 that people should be at odds in your brand
18 new home.

19 I have been here for 30 years.
20 And the people that I live on -- in my
21 neighborhood, this may be irrelevant to some
22 people at this table -- but that is the pride
23 of Novi. I can go back to my old
24 neighborhood and I still have friends after
25 all these years. That's what I want for you,

1 too. If you are going to have kids, you are
2 going to have people playing in your
3 neighborhood with your kids, I think that
4 there is another solution. I think that
5 before we cause a riff, regardless of if this
6 is the jurisdiction of the ZBA or not, my
7 suggestion, as a long time resident, is to go
8 back, postpone this case, and go back, sit
9 down with the association and get it clear,
10 and have peace in your neighborhood. And
11 then come back and have a talk with us and
12 see if we can't help you, if we need to. I
13 don't see a need for a variance, that's why
14 I'm going to side with Member Byrwa and
15 Member Montville, which means that even if we
16 do let this go tonight, it's going to be a
17 three-three split. You're going to lose.
18 Because there is not going to be -- we don't
19 have a full board tonight. So that's going
20 to be my recommendation.

21 I don't know if anybody -- if
22 the city attorney has anything else to offer,
23 to keep me out of trouble.

24 MS. SAARELA: You're free to make
25 the suggestion. They can still have a vote,

1 if they would like it.

2 CHAIRPERSON GRONACHAN: That
3 would be my suggestion.

4 MS. KRIEGER: I have a question.
5 The homeowners association did an approval,
6 there was a comment that there is two
7 associations, so I don't understand how this
8 is all going to come about by sending them
9 back out.

10 CHAIRPERSON GRONACHAN: To their
11 association.

12 MS. KRIEGER: Their association
13 already approved it.

14 CHAIRPERSON GRONACHAN: Well,
15 there seemed to be a question, given the
16 dissention and the number of rejection
17 letters that we got from the members.

18 I know that we are not
19 supposed to use that as our only criteria,
20 but given the fact that the petitioner can
21 actually go do this without a variance is the
22 other thing that I'm -- it's not just the
23 homeowners association. We do know that they
24 can put up a fence and extend their yard
25 without a variance.

1 Member Sanghvi?

2 MR. SANGHVI: Just a point of
3 clarification. When you are deliberating any
4 issue in ZBA, just like this, how obligated
5 it is to consider the approval or disapproval
6 by the homeowners association. That is the
7 question.

8 CHAIRPERSON GRONACHAN: Only as
9 it pertains to whether it impacts the
10 surrounding neighborhood. So you're looking
11 at how does it impact the neighbors. So that
12 testimony is relevant to the -- to the point
13 that the variance request, your criteria as
14 to how it impacts the surrounding
15 neighborhood. It is the determining factor
16 simply because the association may approve it
17 or may not approve it, no, but you have a
18 standard to look at, adverse impact on the
19 surrounding area. Does it go towards proving
20 that factor or not, yes. Yes, it does. But
21 is it determining, simply because a board
22 approves or does not approve, no.

23 MS. KRIEGER: What happened to
24 the fence on Eleven Mile next to the
25 Crawfords on Eleven Mile? I go up and down

1 all the time, there is a huge old tree and
2 there is a fence that's right on Eleven Mile,
3 and the first house in the subdivision, that
4 would be a side yard, front yard -- I don't
5 understand that fence.

6 Did we have to approve that
7 one?

8 MR. BOULARD: I'm not sure -- I
9 can't picture the fence you're speaking of.
10 If it's the right at the entrance, it might
11 have been part of the subdivision
12 entranceway.

13 There also are some exceptions
14 for limited fences in -- in a decorative area
15 or on the front, I can't -- without looking
16 into it, I can't answer that question. But
17 it's right at the entrance to the
18 subdivision?

19 MS. KRIEGER: Yes.

20 MR. BOULARD: It's entirely
21 possible it's part of the original site plan
22 as the entryway as opposed to a fence for the
23 particular home, per se. I can't provide
24 that answer at this point, I'm sorry.

25 MR. SANGHVI: I think under the

1 circumstances, I suggest that we accept your
2 recommendation and table this case for a
3 future date, see if they can come up with an
4 amicable solution by themselves. Otherwise,
5 we definitely will make the decision if they
6 can't.

7 MR. BYRWA: I believe that
8 decision would be the petitioner's decision,
9 ask for a postponement --

10 CHAIRPERSON GRONACHAN: I'm just
11 about to get to that.

12 MS. KRIEGER: If it's three,
13 three then it automatically fails, correct?

14 MS. SAARELA: Correct.

15 CHAIRPERSON GRONACHAN: Okay.
16 Based on my recommendation, do you understand
17 what my suggestion was about the
18 postponement?

19 MR. VOJTKOFSKY: Yes, ma'am.

20 CHAIRPERSON GRONACHAN: How do
21 you feel about that suggestion?

22 MR. VOJTKOFSKY: So from some of
23 the conversations I've had, I feel we are
24 going to be opposed on any fence we choose to
25 do. Most people have said they don't want to

1 see a fence. It is a fence-less subdivision.
2 As Mr. Grove pointed out, there are six
3 houses in the subdivision with pools and
4 fences, I can see at least three of those
5 that have their entire rear yard fenced in.
6 You can see it from the road in between the
7 houses. So it is not an entirely fence-less
8 subdivision.

9 Also, as I pointed out --

10 CHAIRPERSON GRONACHAN: My
11 question to you is, what do you think about
12 my suggestion?

13 MR. VOJTKOFSKY: I do not think
14 postponing would benefit in any way.

15 CHAIRPERSON GRONACHAN: Okay,
16 thank you.

17 MS. RAMSAY: Go ahead and finish
18 your comment that you were stating.

19 MR. VOJTKOFSKY: The six houses
20 in the sub, one of the houses here is Arcadia
21 and Eleven Mile, I believe the one that was
22 brought up, which is one of the -- the
23 entrance to Walden Woods phase one, which has
24 their own homeowners association, but still
25 carries the Walden Woods subdivision

1 entryway. So they have the same fence-in
2 area we are proposing.

3 There are also a couple of
4 other houses within the sub next to us,
5 Lochaven that also have, you know, one in
6 particular has the identical kind of setup we
7 are looking to do.

8 MR. FERRELL: So six other
9 residences that you know of that have fencing
10 as well?

11 MR. VOJTKOFSKY: I believe it
12 would be about eight total.

13 MR. FERRELL: I'm still in
14 support of it. Unfortunately, it seems like
15 it is going to be three, three, which isn't
16 really a benefit to you.

17 In my opinion, I feel like
18 that the other board members are probably
19 looking more at the comments made from the
20 neighbors and not wanting it. I disagree
21 with them, thinking that way. Unfortunately,
22 but it is kind of a rant.

23 But again, I am in support of
24 it. I definitely would agree with you guys.

25 CHAIRPERSON GRONACHAN: Would you

1 like to make a motion?

2 Would anyone like to make a
3 motion?

4 MS. SAARELA: I just wanted to
5 point out that it sounds like the petitioner
6 doesn't want to postpone it, but in the event
7 he does postpone it, it is possible that
8 there may be seven members or an uneven
9 number of members at the next meeting that
10 may impact the tie situation.

11 There is no guarantee, but it
12 may be possible there may be a different
13 number of members.

14 At this point, it sounds like
15 any kind of vote is going to result in a
16 failure of your proposal.

17 MS. KAUR: Okay.

18 CHAIRPERSON GRONACHAN: Member
19 Krieger?

20 MS. KRIEGER: I move to table
21 Case No. PZ15-0045 to the February -- what
22 date is that?

23 MS. RAMSAY: The 9th.

24 MS. KRIEGER: February 9, 2016
25 ZBA meeting.

1 MR. FERRELL: Second.

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

5 MR. BYRWA: How does that work
6 when the petitioner requested a decision?
7 Does the board have the right to table it?

8 MS. SAARELA: If the petitioner
9 wants to call for a vote today, you have to
10 do a vote today.

11 MR. BYRWA: It's pointless to
12 make a motion --

13 MS. SAARELA: I was just
14 suggesting that it's possible if they wanted
15 to reconsider their position, there may be an
16 uneven number of members at the next meeting,
17 it may impact the tie situation.

18 But there is no obligation for
19 them --

20 MR. BYRWA: This is not the
21 board's decision, it's the petitioner's
22 decision.

23 MS. SAARELA: If they want to
24 vote on it today, knowing full well what may
25 happen, that's up to them.

1 MR. FERRELL: Given the new
2 information, it's your choice to decide.

3 MS. KAUR: If we ask for a vote
4 today, and it fails, then we can't come back?

5 MS. SAARELA: Not unless you have
6 some kind of change, circumstances or new
7 information that wasn't provided today, no,
8 you couldn't come back with the exact same
9 request.

10 MR. BYRWA: They would be able to
11 come with a revised plan?

12 MS. SAARELA: A revised plan,
13 correct.

14 MR. BYRWA: A significant change,
15 a departure from the existing plan.

16 MS. KAUR: Can you explain like
17 what tabling it, like what we need to bring
18 back in the next meeting? Is it just for a
19 new voting or do we need to bring more
20 information?

21 CHAIRPERSON GRONACHAN: If we
22 table it for tonight, you would be coming --
23 returning to the board next month, and
24 hopefully, I mean, there is no guarantee what
25 the vote could be, but we would have seven

1 members instead of six. And that would mean
2 there would be an odd number of votes, which
3 would change your chances of having it pass.
4 So right now, it's three, three, we know,
5 which means you would lose tonight. So we
6 are giving you the opportunity to table it,
7 in the meantime, my suggestion earlier was to
8 go back and talk to the homeowners
9 association. I understand that there is some
10 challenges.

11 But, you know, based on
12 everything that's gone on here tonight,
13 that's certainly your option. You can go
14 back and talk to them if you want to. If you
15 don't, you would just wait until next month,
16 and then we would have a different number of
17 board members here, and they will call the --

18 MS. SAARELA: You may not.

19 CHAIRPERSON GRONACHAN: As long
20 as nobody calls in sick.

21 MR. FERRELL: Madam Chair?

22 CHAIRPERSON GRONACHAN: Yes.

23 MR. FERRELL: Like she said,
24 there might be, there might not be. It all
25 depends. Can we give them a few minutes? I

1 don't know if we are allowed to give them a
2 few minutes to talk.

3 MS. SAARELA: If you want to take
4 a break for five minutes, that's fine.

5 MR. FERRELL: You guys want a few
6 minutes to think about it? It's hard to talk
7 here on the spot, so maybe you could talk in
8 private for a few minutes.

9 MS. KAUR: Yes, please. Thank
10 you.

11 CHAIRPERSON GRONACHAN: At this
12 point we are going to take a five minute
13 break. All those in favor?

14 THE BOARD: Aye.

15 CHAIRPERSON GRONACHAN: We will
16 be back at 8:28.

17 (Short recess taken.)

18 CHAIRPERSON GRONACHAN: Calling
19 the meeting back to order.

20 What did you lovely folks
21 decide to do?

22 MS. KAUR: Just make a comment
23 first. You asked us to go back to the
24 association to talk it out. And do you want
25 to point out that the HOA, the board members

1 themselves do support this already. And
2 everyone who is here objecting is not on the
3 board.

4 So we will go back to the
5 board again, and they will support it
6 hopefully again.

7 So we would like to table it
8 for the next meeting.

9 CHAIRPERSON GRONACHAN: We will
10 go ahead and table it.

11 Just want, for clarification
12 purposes, we are not asking for another
13 letter from the homeowners association, okay.
14 That's not what I was asking you. I don't
15 want to give you the impression. The letter
16 is the letter, okay.

17 But that's fine. We will go
18 ahead and table it. We have already -- we
19 started the vote, we had it second, all those
20 in favor of tabling the meeting for February,
21 say aye.

22 THE BOARD: Aye.

23 CHAIRPERSON GRONACHAN: We will
24 see you next month. Good luck. Thank you.

25 MR. BOULARD: Excuse me. If you

1 could, if you have any additional
2 information, if you could get it to us prior
3 to the first of February, so we can make sure
4 that's included to the packets to all the
5 members.

6 MR. VOJTKOFSKY: Okay.

7 CHAIRPERSON GRONACHAN: Case No.
8 PZ15-0046, New Generation signs for Airtime
9 at 44255 Twelve Mile Road, Unit, a west of
10 Donaldson Drive. The applicant is requesting
11 variances from the City of Novi to allow
12 installation of three additional wall signs.

13 Good evening. You are the
14 petitioner. If both of you are going to give
15 testimony, if you would state your names for
16 our recording secretary and spell them and be
17 sworn in by our secretary.

18 MR. NAFSO: Sure. My name is
19 James Nafso, N, as in Nancy, a, as in apple,
20 f, as in Frank, s, as in Sam, o, as in
21 ostrich.

22 I am the owner of the
23 building, I am also the owner and the tenant.

24 MR. RAYES: Steve Rayes,
25 R-a-y-e-s, New General Signs, 11177 East

1 Eight Mile Road in Warren.

2 MR. FERRELL: Do you both swear
3 to tell the truth in the testimony you are
4 about to give in this case?

5 MR. NAFSO: Yes.

6 MR. RAYES: Yes.

7 MR. FERRELL: Go ahead and
8 proceed.

9 MR. RAYES: As we see here, we
10 have the petition of having extra signage to
11 put for that building, and we notice the
12 brand new, very big building sitting in the
13 back of that, you know, all whole parking
14 lot.

15 And the only signs that he can
16 have, one of them is facing the -- like the
17 parking lot where the -- I think some houses
18 are there. And the other one it's going to
19 be like on the -- again, on the parking lot
20 where it's between the other businesses. So
21 just for the -- to have a bigger signage for
22 people so they can see that place.

23 When I went there, I looked, I
24 was driving the parking lot, it's like for
25 me, it's like where is this, you know, I

1 couldn't find where I have to go.

2 So that's why we are asking
3 for the biggest sign, actually asking for the
4 sign.

5 That's all we are asking for.

6 CHAIRPERSON GRONACHAN: Thank
7 you. Do you have anything to add?

8 MR. NAFSO: The building is
9 30,000 square feet. We are occupying the
10 whole building, and as a result of the
11 parking in Fountain Walk, some of the
12 challenges that occur, we are doing the
13 corner entrance of the building, so as a
14 result we want to put the signage on the
15 corner of the building, so that if someone is
16 coming -- you know, in through Fountain Walk,
17 we can see it, in the drive off Twelve Mile
18 coming down, into Fountain Walk past Dick's
19 and the putt-putt, so you can see it on that
20 side as well.

21 CHAIRPERSON GRONACHAN: Do you
22 have some renderings of your signs that you
23 can put up on the --

24 MR. NAFSO: We don't have
25 renderings. We have temporary signage. I'm

1 not sure if anybody had a chance to see it.

2 MR. RAYES: We didn't have
3 renderings because the building was not
4 built.

5 MR. NAFSO: I have it on my
6 phone.

7 CHAIRPERSON GRONACHAN: We can't
8 see that at all.

9 MR. RAYES: That picture shows
10 when he went and installed the banner that is
11 required by the city, so we can like imagine
12 how that sign is going to sit.

13 MR. NAFSO: That's actually
14 coming from Mlife.com, they did a story on
15 us. That's their picture, pulled it up from
16 the website.

17 CHAIRPERSON GRONACHAN: Thank
18 you. Is there anyone in the audience that
19 wishes to make comments on this case?

20 (No audible responses.)

21 CHAIRPERSON GRONACHAN: Seeing
22 none, building department?

23 MR. BOULARD: Nothing to add. I
24 will stand by for questions.

25 CHAIRPERSON GRONACHAN: Thank

1 you.

2 Mr. Secretary, is there any
3 correspondence?

4 MR. FERRELL: Yes, Madam Chair.
5 There was 27 letters mailed, one letter
6 returned, zero approval letter, zero
7 objection letters received.

8 CHAIRPERSON GRONACHAN: Thank
9 you. Board members. Member Byrwa?

10 MR. BYRWA: I got a question. Do
11 you happen to know the setback from the
12 building off to the road, how far the
13 distance are we talking about?

14 MR. NAFSO: You talking about
15 from Twelve Mile?

16 MR. BYRWA: Yes.

17 MR. NAFSO: Probably you got --
18 we are behind Dick's. So you got Dick's, you
19 got --

20 MR. BYRWA: What is the nearest
21 major road, I guess?

22 MR. NAFSO: Twelve Mile.

23 MR. FERRELL: Cabaret.

24 MR. NAFSO: That's what it is.
25 There is a side street, Cabaret. I mean,

1 that's as far as I can tell you.

2 MR. BYRWA: I'm trying to
3 understand like the site distance and why you
4 would need something so big, if the major
5 road is fairly close. This is pretty
6 excessive in my eyes. It's not, you know, a
7 few square feet, it's quite a bit over.

8 MR. NAFSO: Basically, based on
9 the size of the facility, it's a 30,000
10 square feet building, so we don't have any
11 pylon signage as well. You're not going to
12 see it really from the road.

13 We want it more that when
14 somebody is in Fountain Walk, they know where
15 we are. They have to find us.

16 MR. BYRWA: But if they are
17 already in Fountain Walk, unless they are
18 blind as a bat, you know, they don't need
19 something that takes up the whole top half of
20 the building.

21 MR. NAFSO: We are trying to
22 maximize as much as we can for how the
23 building looks.

24 MR. BYRWA: I can see if you were
25 looking at -- you know, like say you were at

1 Dick's and you were on Twelve Mile, there is
2 quite a big parking lot, and, you know, there
3 is a large distance or whatever, but it
4 doesn't seem like we have that here, maybe
5 you can clear that up and explain what your
6 target, you know, draw area is. And what
7 you're -- other than wanting a big giant
8 sign, you know, what are you trying to do,
9 something so far over the ordinance.

10 MR. NAFSO: I think it's again --
11 there is a large parking lot, where we sit,
12 and we are the only building because it's new
13 construction in the middle of Fountain Walk,
14 so I don't -- comparing it to the other
15 signage, I could be wrong, I don't know about
16 Powerhouse in relationship to the size of
17 their facility, I think they're larger than
18 we are, because they have their guy or
19 whatever on there, so that's bigger than us,
20 and then, again, it's trying -- somebody
21 comes in, you know, they see it's new, it's
22 going to be well-lit, look nice. And it's
23 more so how the building sits is our concern
24 because we have a middle entrance, having the
25 signage in the middle of the building, it

1 would probably be okay to have a smaller one,
2 because of the fact it's in the middle, kind
3 of drive in, you see it.

4 But when you're coming in, you
5 won't know kind of know where the entrance
6 is, we have to use the corner entrance. We
7 wanted it to be big so people will see,
8 that's where you come in from. That's part
9 of the reason why I wanted more, larger
10 signage.

11 MR. BYRWA: Okay, thank you.

12 CHAIRPERSON GRONACHAN: Member
13 Sanghvi?

14 MR. SANGHVI: I came and visited
15 your place. I had a hard time finding it in
16 the first place. It's part of the Fountain
17 Walk. I know that area very well ever since
18 it was built. And also, the weather had done
19 a number on your mock-up sign, on the south
20 side, flapping in the breeze.

21 But your main entrance is on
22 the west side, right?

23 MR. NAFSO: Yes.

24 MR. SANGHVI: It's facing the
25 west side?

1 MR. NAFSO: It is a corner
2 entrance --

3 MR. SANGHVI: It's a corner, but
4 the entrance is on the west side?

5 MR. NAFSO: Well, there is two
6 entrances.

7 MR. SANGHVI: I remember seeing
8 that. In your description here, the map
9 everything here, also shows that?

10 MR. NAFSO: Yes, correct.

11 MR. SANGHVI: There is no
12 entrance on the south side of the parking?

13 MR. NAFSO: No.

14 MR. SANGHVI: I understand that
15 you would like to have two signs, one on each
16 side facing the west and one on the south.
17 It's far away from any main road. And until
18 you come inside the complex, the Fountain
19 Walk complex, you can't find this place until
20 you come there. I found out, even though I
21 am familiar with the area.

22 So I understand you need a big
23 sign. (Unintelligible) how big it is. And
24 in my mind, it should be visible from Cabaret
25 Drive or you can't see it from Twelve Mile

1 Road, or the other side, I-96 or anything
2 because you are inside, you are kind of
3 land-locked at that particular point, where
4 you have your facility, and so you need a big
5 sign.

6 So I understand your hardship,
7 and I can approve any reasonable size of
8 sign.

9 And I don't know whether you
10 would be willing to downgrade the size you
11 have, especially on the south elevation.
12 West elevation, I understand because you go
13 to the road, (unintelligible) it should be
14 just visible for people coming in via Cabaret
15 Drive. So just like think about it. Thank
16 you.

17 CHAIRPERSON GRONACHAN: Member
18 Ferrell?

19 MR. FERRELL: Thanks, Madam
20 Chair. I agree with the other board member.
21 I don't feel maybe you need such a large
22 sign, maybe we can make it smaller. I do
23 feel you need one, maybe you can make it
24 smaller, one on each side, obviously, you
25 can't see it coming in by the Powerhouse

1 direction.

2 But I would agree with him as
3 well. Would you be willing to reduce the
4 size of the sign at all, is this something
5 that you would be prepared to look at
6 tonight, if you want to try to come back, if
7 you want to leave it the way it is.

8 MR. NAFSO: I would have to look
9 at it. I think we are trying to maximize --
10 I mean, the way it was sent -- I just trying
11 to visualize it.

12 You know, he sent me
13 renderings, I was like, all right -- he sent
14 me really big ones, that looks too big, but
15 he was trying to make it look it nice on the
16 building so it fits. We have three other
17 locations, so we tried to match what we had.
18 We are in Troy, Sterling Heights and
19 Westland. So we tried to match what we had
20 on those buildings, and just trying, you
21 know, give it the same kind of feel that we
22 have.

23 So I'm not great with like the
24 size. I just kind of looked at it. This
25 fits, this is what people will see. I get

1 it.

2 MR. FERRELL: I mean, I know,
3 having a huge sign obviously everybody will
4 look at it. But that's not something --

5 MR. RAYES: Actually the three
6 other locations we did the sign for, it's
7 bigger than we are doing now. It's kind of,
8 you know, the whole building. It's very huge
9 building. You have two signs there. You
10 have nothing else. It's not like other
11 buildings.

12 MR. FERRELL: I wouldn't want you
13 to put a sign up that's not proportional to
14 the size of the building.

15 Even that said, it's still
16 like -- I wouldn't want it to be excessive.

17 So I feel like this is a
18 little bit outside that range, for me
19 anyways.

20 MR. RAYES: It's not going to
21 affect nothing, especially it's all in line
22 with -- the sign is going to be lit white.
23 You know, it's not going to affect nothing,
24 more light in whole parking lot, so I don't
25 think so. It's going to be -- they have a

1 lot of signage in the same plaza, which is
2 especially the Powerhouse, I noticed it's a
3 lot of sign for --

4 MR. FERRELL: Their building is
5 very large, too, the Powerhouse building, so
6 I know how big their signs are. Is it the
7 same as what you're proposing or is it --

8 MR. NAFSO: The size of the
9 signage is -- again, I don't know, I didn't
10 measure, but it looks bigger than what we're
11 proposing. Their logo is obviously much
12 different and it's -- so it's a big logo.
13 But, you know, I didn't see that it was
14 inconsistent with what is in the plaza.

15 My concern is that if you
16 saw -- if you see the building, we are not
17 deep or long.

18 So the problem is like, you
19 kind of pull up and if you're coming in, I
20 guess, from the southeast side, you're not
21 going to see anything, until you kind of pull
22 in.

23 So we considered what we put
24 on the signage, further out we are worried
25 about somebody coming in, thinking that's the

1 entrance. If I put the signage right in the
2 middle in building, people they drive up, be
3 like, oh, this is this where we come in,
4 that's what we were concerned about.

5 I mean, we also want to take
6 advantage of the parking that they currently
7 use for valet, which we will be our parking.
8 So they -- that parking would be available
9 for us, so we want to use that as our
10 entrance. That's really the reason why I
11 wanted to get as much signage as we could so
12 people realize that's the entrance and that's
13 where they come in from.

14 MR. FERRELL: Okay. Thank you.
15 That's all.

16 CHAIRPERSON GRONACHAN: Member
17 Montville?

18 MR. MONTVILLE: Given the
19 western, south exposure of the building, I
20 think it's fair that they do all four signs
21 requested, the three additional. I think
22 that makes sense.

23 As far as a size standpoint,
24 they provided professional renderings --
25 excuse me, they have done a lot of due

1 diligence. It's in their best interest to
2 have signs that look professional, look
3 appealing to their potential customers. I
4 think they have provided that information,
5 they've approved that they have done the due
6 diligence from that aspect.

7 So with that said, I'm in full
8 support of the variance as requested at this
9 point.

10 CHAIRPERSON GRONACHAN: Okay. Is
11 there further discussion? Member Byrwa?

12 MR. BYRWA: Does the Novi sign
13 ordinance for this zoned district, give you
14 an increase based on the frontage that you
15 have fronting on a public right-of-way or a
16 public way? I am familiar with the sign
17 ordinance. Where I used to work, they would
18 give you two square feet for every one lineal
19 foot for the frontage. I was wondering if
20 Novi's ordinance is similar to that?

21 Maybe we could answer, how did
22 we determine the 281 square feet?

23 MR. BOULARD: Not to exceed 65
24 square feet.

25 MR. BYRWA: So it's a standard

1 amount regardless of your lineal frontage
2 or --

3 MR. BOULARD: It's based on the
4 setback in the road, but then there is a cap.

5 In this case, the cap of
6 65 feet is what limits the sign, that's
7 allowed on the building.

8 MR. BYRWA: So he was allowed
9 just one 65-foot sign, he's gone over by 281
10 square feet?

11 MR. BOULARD: Yes.

12 MR. BYRWA: Okay.

13 CHAIRPERSON GRONACHAN: Anything
14 else? Is there a motion?

15 MR. MONTVILLE: Madam Chair, I am
16 prepared to make a motion at this time.

17 MR. ZEBARI: Can I make a quick
18 comment?

19 CHAIRPERSON GRONACHAN: You will
20 have to come down, please, state your name.

21 MR. ZEBARI: My name is John
22 Zebari.

23 CHAIRPERSON GRONACHAN: Why don't
24 you wait until you get to the microphone
25 please, so other people at home can hear you.

1 MR. ZEBARI: My name is John
2 Zebari, Z-e-b-a-r-i.

3 I just wanted to address, the
4 closest point of entrance is visible from the
5 busiest road, Twelve Mile, is Cabaret. From
6 eastbound Twelve Mile you turn into Cabaret
7 into that southwest corner of Fountain Walk,
8 you're easily 1,000 feet from where this sign
9 will be. Coming -- if you're already in
10 Fountain Walk coming north on Cabaret, you're
11 easily six or 700 feet from that sign. So
12 that's a long ways.

13 And this signage does not
14 incorporate a logo of any kind, it's really
15 just text, so we don't have like Planet
16 Fitness is very visible, identifiable, weight
17 lifter guy, we don't have Aqua Tot's swimming
18 pool, that immediately it would identify, you
19 know, where you're going, that's Planet
20 Fitness, Aqua Tots.

21 So 1,000 feet to 700 feet from
22 the two main places where we would want it to
23 be visible to these west and south facing
24 signs, if that helps had. I have been out
25 there.

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CHAIRPERSON GRONACHAN: That is very helpful.

I will just put on a couple of comments.

I concur with Member Sanghvi in that, this is such an unusual place to come into, and there are multiple entrances into the complex itself.

Once you get into the complex, it's a maze all in its own right.

I am concerned about the sign on the south, I'd like to see it a little smaller. I am not going to deny your request. I will be in support, but if the south side isn't an entrance, is that what you so stated, it's just one entrance, correct, it's on the west side?

MR. NAFSO: Correct.

CHAIRPERSON GRONACHAN: That's the only problem that I have. I'd like to see the south sign a little smaller. But the rest of it, given the uniqueness of the entire complex, the different height variations, we have had other businesses come to us in the past, there is different

1 elevations when you're driving, when you're
2 coming in from Twelve Mile, the building is
3 below you, when you're coming in from
4 Cabaret, the building is above you, when
5 you're coming behind, the building could be
6 anywhere.

7 You're not right on that main
8 drag on top of it, so now you got to drive
9 through and hope to find you. So that is a
10 challenge. And for that reason, I will be
11 supporting your request.

12 Given the fact that it's
13 30,000 feet of a building, and that you're in
14 a challenged area to begin with, I think that
15 I can also concur with Member Montville that
16 you have proven that there is a need for all
17 of this, but we don't this for every
18 business, so this case is unique and that's
19 why I'm supporting it, for this particular
20 case.

21 MR. BYRWA: Quick question. You
22 know, on the elevation, where it says
23 trampoline and game park, is that going to be
24 on the building?

25 MR. NAFSO: Yes, it's on the

1 building.

2 MR. BYRWA: Isn't that second --
3 wouldn't that be an additional sign then?

4 MR. NAFSO: That's why we are
5 calling it three additional signs. So it's
6 basically, this -- you have this on one side,
7 then you have it on the other side. That's
8 why we are calling it three additional signs,
9 that's the request.

10 MR. BYRWA: But it's not going to
11 say trampoline and game room on the other
12 elevations?

13 MR. NAFSO: Yes, it would. So
14 you have one sign that would just be
15 Airtime --

16 MR. BYRWA: I count six signs we
17 are dealing with, three elevations?

18 MR. NAFSO: No, just four. Four
19 signs. We are doing two sides.

20 MR. RAYES: It's two elevations,
21 the west and south.

22 MR. NAFSO: Yes, two elevations.
23 So you have Airtime trampoline park and
24 Airtime trampoline game park.

25 MR. BYRWA: Then on the west

1 elevation you only have Airtime?

2 MR. ZEBARI: East. You're asking
3 east. East end of the building, that would
4 be the two additional, making it six, like
5 you said. We are not doing that.

6 MR. RAYES: The marked area are
7 where the sign goes, the two yellow, one is
8 the west and the other one is the south.
9 That's both sides.

10 MR. BYRWA: So is it each
11 separate framed area is a sign?

12 MR. RAYES: It's two signs, but
13 somehow some cities they call them four
14 signs, some city they call them -- the sign
15 that says Airtime --

16 MR. BYRWA: One sign alone?

17 MR. RAYES: Exactly.

18 MR. NAFSO: I'm sorry. The name
19 of our business is Airtime Trampoline Game
20 Park. What the city is saying, some cities
21 consider that one sign, your whole name it's
22 considered one sign.

23 MR. BYRWA: But it's not even
24 close to the Airtime. It's a completely
25 different area. To me it's a second sign.

1 MR. NAFSO: There is an Airtime
2 cellphone store, so we have to clarify.

3 CHAIRPERSON GRONACHAN: Can I
4 interrupt and let the building department
5 help us out.

6 MR. BOULARD: So each -- the
7 Airtime and the trampoline game park are
8 considered separate signs, because the way
9 our ordinance is written, we would have to
10 draw a box around both of them together,
11 which would be really huge.

12 So they have two elevations,
13 each elevation has Airtime, and then it has
14 the trampoline park on it, so each elevation
15 has two signs. One is allowed by right, one
16 of the smaller ones. Then the other three
17 are the two Airtime signs and the trampoline
18 signs.

19 MR. BYRWA: Got it.

20 CHAIRPERSON GRONACHAN: Any other
21 questions?

22 (NO audible responses.)

23 CHAIRPERSON GRONACHAN: Is there
24 a motion? Member Montville?

25 MR. BYRWA: In Case PZ15-0046,

1 sought by Generation Signs on behalf of
2 Airtime, I move that we grant the variance as
3 requested for the following reasons.

4 The petitioners have proven
5 that the property is unique, given its
6 location within Fountain Walk and its two
7 exposures on the western side and also the
8 southern side.

9 Also with it's given location
10 within Fountain Walk and unique layout of
11 Fountain Walk complex, it creates challenges
12 with visibility, which warrants additional
13 signage.

14 The relief granted will not
15 reasonably interfere with any adjacent
16 businesses or surrounding properties, and the
17 relief is within the spirit and intent of the
18 ordinance as written.

19 With that said, I move that we
20 grant the variance requested.

21 MR. FERRELL: Second.

22 CHAIRPERSON GRONACHAN: It's been
23 moved and seconded. Is there any further
24 discussion?

25 (No audible responses.)

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CHAIRPERSON GRONACHAN:

Ms. Ramsay, would you please call the roll.

MS. RAMSAY: Member Ferrell?

MR. FERRELL: Yes.

MS. RAMSAY: Member Krieger?

MS. KRIEGER: Yes.

MS. RAMSAY: Member Sanghvi?

MR. SANGHVI: Yes.

MS. RAMSAY: Member Byrwa?

MR. BYRWA: No.

MS. RAMSAY: Member Montville?

MR. MONTVILLE: Yes.

MS. RAMSAY: Chairperson Gronachan?

CHAIRPERSON GRONACHAN: Yes.

MS. RAMSAY: Motion passes five to one.

CHAIRPERSON GRONACHAN: Your variances have been granted. Please see the building department. Good luck and welcome to Novi.

So our next topic under other matters is the rules and procedures that Stephanie had sent us.

1 Give you a little background,
2 when someone becomes a board member, we are
3 given a packet of different information. And
4 there seemed to be some question as to
5 where -- what the current rules and
6 procedures were.

7 So the one copy that I had it
8 said that the meeting started at 7:30. And
9 so that started a hunt, if you will, for the
10 current copy. And there was the most recent
11 copy that was done back in October of 2008,
12 approved by former colleague and good friend
13 Mr. Fisher.

14 So these rules are not --

15 MS. KRIEGER: Current.

16 CHAIRPERSON GRONACHAN: Well,
17 they're current, but they're just guidelines.
18 They say rules and procedure -- rules of
19 procedure.

20 But I don't want people to
21 think that we are making the rules up because
22 we are the ZBA. These are more of a
23 guideline of procedures for how we are to
24 conduct ourselves as Zoning Board of Appeals,
25 how is that?

1 MS. SAARELA: They are actually
2 more than the guideline. You have to follow
3 them. They're rules for how you conduct your
4 business, they're like bylaws.

5 CHAIRPERSON GRONACHAN: Okay. So
6 Member Sanghvi said that -- or was of the
7 opinion, if you don't mind me paraphrasing
8 what you said earlier, is that okay?

9 MR. SANGHVI: Go ahead.

10 CHAIRPERSON GRONACHAN: So Member
11 Sanghvi felt ZBA didn't have the authority to
12 make a set of rules or bylaws because we are
13 the ZBA. That our rules or bylaws would have
14 to be sent to us by city council.

15 So is that clear? I mean, do
16 we have -- can -- let me just ask this
17 question.

18 Can we have our own rules and
19 guide --

20 MS. SAARELA: Yes, you can have
21 your own bylaws.

22 CHAIRPERSON GRONACHAN: We can.
23 Or rules of procedure?

24 MS. SAARELA: Yes.

25 CHAIRPERSON GRONACHAN: They do

1 not have to be approved by the City of
2 Novi -- by the city council?

3 MS. SAARELA: No, they don't have
4 to be approved by city council.

5 Typically, this would be
6 something that you have in place, you go
7 through them periodically, and from time to
8 time you would amend your own rules of
9 procedure.

10 CHAIRPERSON GRONACHAN: This is
11 more or less like our handbook.

12 MS. SAARELA: Yes, of how -- now,
13 you can't -- it has to be consistent with
14 what the ordinance is. So you can't conflict
15 with city ordinance. There are things in
16 there like, what the variance standards are,
17 and you can't amend things like that so that
18 it conflicts with other legislative
19 authorities, such as ordinances or state
20 statutes, but things that are not governed
21 already by ordinance, you can amend.

22 CHAIRPERSON GRONACHAN: Okay.
23 Again, this really wasn't so much about that
24 I thought that these needed to be changed
25 outside that the time was wrong, in the

1 meeting and this one does reflect the 7:00.

2 I had asked everyone to read
3 them to see if there was any changes that
4 anyone -- or had any ideas of what they would
5 like to see added or removed from the
6 procedures. Since none of us got them, when
7 we came back onto the board, I didn't get
8 them in 2013. So it's kind of a -- it was
9 kind of good to read them and to refresh.

10 So does anyone have any input
11 onto this, after you reviewed them?

12 MR. BYRWA: A couple of things
13 here. I heard a while back a fancy term to
14 describe Zoning Board members, it's called
15 quasi judicial. And it means that you are
16 independent of the council, you can make your
17 own decisions and things, however, our
18 decisions can overturned by a circuit court
19 judge.

20 CHAIRPERSON GRONACHAN: Correct.

21 MR. BYRWA: I was reading through
22 the bylaws and everything and I felt that
23 with the one case tonight we could have
24 benefited from this here, and I don't know if
25 we have -- tried to solicit a Zoning Board

1 member to also attend the planning board
2 meetings. I think we are relying on Charles
3 pretty much now or whatever, to fill us in.

4 But it said in the bylaws that
5 we can appoint somebody from the Zoning Board
6 to attend all the planning board meetings,
7 just to kind of give us a little more depth
8 of some of the cases that has already gone
9 through the planning board.

10 CHAIRPERSON GRONACHAN: That's a
11 good point. It really is. I should bring
12 something up to your point.

13 In the past, we used to get
14 the minutes from the Planning Commission,
15 like Member Sanghvi said earlier. But I
16 don't know who has got time to go sit at the
17 Planning Commission meeting on top of it.
18 But in the past we used to get the copies of
19 the --

20 MS. SAARELA: The problem with
21 that is, depending on when the Planning
22 Commission meeting falls, relative to your
23 ZBA meeting. There might not be approved
24 minutes ready yet. You can't just hand out
25 draft minutes and make them part of your

1 record, if they're not approved by the
2 Planning Commission.

3 So let's say, like the case
4 that was up today, I don't know when it was
5 scheduled, let's say for example, it was up
6 at Planning Commission last week and got
7 approval, they had it scheduled this week for
8 a variance, there wouldn't be approved
9 minutes yet because you haven't had another
10 Planning Commission meeting yet, so, no, we
11 wouldn't be able to get those minutes yet.

12 If it was something that was
13 approved two months ago maybe, yes, you could
14 maybe get the Planning Commission --

15 MR. BYRWA: I don't think we are
16 looking for exactly, the official minutes,
17 it's just the input --

18 MS. SAARELA: Someone is free to
19 do that. It's in your rules of procedure.

20 MR. BYRWA: To be refreshed a
21 little of the meeting, whatever.

22 Because I was at the planning
23 board meeting, and this and this happened
24 there, and not necessarily you needed the
25 minutes of the planning board.

1 MS. SAARELA: That's just what
2 Member Gronachan asked, do we have the
3 minutes. You can in some cases, in some
4 cases you can't. Can someone attend a
5 Planning Commission meeting, yes, you can
6 attend. You know, anyone who wants to, it's
7 a public meeting.

8 MS. KRIEGER: Wasn't
9 (unintelligible) and Brian Burke planning on
10 attending our meetings as well?

11 MS. SAARELA: We don't have a
12 planning commissioner on the board anymore.
13 That used to be the case, but now the
14 ordinance and the state statute are just --
15 that's not a mandatory requirement of the
16 state law or the ordinance anymore.

17 CHAIRPERSON GRONACHAN: I do
18 think though in the future, if we do come
19 across a case that has been to the Planning
20 Commission --

21 MS. SAARELA: Would it help to
22 have like the planning packet, the agenda
23 packet?

24 CHAIRPERSON GRONACHAN: That's
25 what I mean, the packet. Thank you for the

1 clarification, but it's late.

2 MR. BOULARD: In the interest
3 of -- in the interest of the size of the
4 packet, would it be helpful to provide a link
5 back to the city website with those -- where
6 those planning packets are always available?

7 CHAIRPERSON GRONACHAN: Yes.

8 MR. BOULARD: If there are
9 minutes, those would be on there.

10 MR. BYRWA: Save some trees.

11 MS. SAARELA: Because those are
12 oftentimes 80 and 90 page long packets, but
13 they all are -- by the time this Planning
14 Commission meeting occurs, they're all there
15 on the website. So maybe if we just say,
16 there is the link or here is the date.

17 CHAIRPERSON GRONACHAN: Date,
18 link or just date actually it would be under
19 the agenda.

20 Is everybody good with that?

21 MS. KRIEGER: Yep.

22 CHAIRPERSON GRONACHAN:

23 Dr. Sanghvi?

24 MR. SANGHVI: I heard it.

25 CHAIRPERSON GRONACHAN: Are you

1 good with it?

2 MR. FERRELL: We can talk after.

3 CHAIRPERSON GRONACHAN: Go ahead.

4 MR. FERRELL: It's 9.3, tabling,
5 postponing a case.

6 The way I read it, it does
7 sound like -- maybe they don't want to
8 postpone it or table it, we can still --

9 MS. SAARELA: In some instances,
10 we could do that, but in this case, it
11 wouldn't have been of any benefit because
12 they wanted to --

13 MR. FERRELL: I was just curious
14 on that.

15 MS. SAARELA: You can table it.
16 That's mostly to get -- if you feel you're
17 missing facts. Here, I don't think that that
18 was the case, it wasn't that they were
19 looking for more information. It's that they
20 wanted to have their approval or didn't want
21 to have approval. I mean, it was one way or
22 the other. It was not clear that tabling it
23 would have -- it wouldn't have gathered
24 anymore information for you.

25 CHAIRPERSON GRONACHAN: So we do

1 have the authority to table a case without
2 the petitioner's approval?

3 MS. SAARELA: If you feel that
4 there is missing information, you can render
5 a decision.

6 CHAIRPERSON GRONACHAN: Thank you
7 for that. Anything else?

8 MR. FERRELL: 10.1, that's the
9 appeal for the board.

10 So the petitioner can appeal
11 our decision within 30 days?

12 MS. SAARELA: Yes. That's why we
13 emphasize the importance of making your
14 motion and getting all the facts in the
15 motion because when they appeal to circuit
16 court, the circuit court is looking at your
17 motion, really only to see if your reasoning
18 and your facts as set forth in the motion,
19 that they are compliant with the variance
20 standards, so that's what the appeal issue
21 is.

22 MR. FERRELL: That's not an
23 appeal back to us, that is an appeal --

24 MS. SAARELA: Right, but if the
25 circuit court sees that you have a reason --

1 a well-reasoned basis for your decision and
2 it's set forth in the motion, the circuit
3 court isn't -- they're just going to say --
4 send it back and say that was within your
5 discretion. You made the decision based on
6 the applicable standards.

7 If you're missing facts in
8 your motion, you don't have facts to support
9 the variance, the circuit court may then
10 make -- you know, look at the substance of
11 your decision. Most cases they're not going
12 to, if you have a well-reasoned argument and
13 have it set forth in your motion.

14 MR. BYRWA: The caveat to that
15 though, it's a 30 day window from the
16 approved minutes.

17 MS. SAARELA: Approved minutes,
18 yes.

19 MR. BYRWA: It could be two
20 months.

21 MS. SAARELA: It depends. So
22 sometimes when we don't have the minutes
23 ready, it could be two months. Like it was
24 for the November minutes, that we approved
25 today.

1 CHAIRPERSON GRONACHAN: Is there
2 anything else anyone else would like to add?

3 I do have a suggestion under
4 the duties of the chairperson, that the chair
5 welcome the newer members.

6 So as being a new member, and
7 being the chair, and then being back, I have
8 had two different experiences. When I first
9 joined ZBA back in 2000, we had a chairperson
10 by the name of Ranke, who made it a point
11 that he was available if there were any
12 questions or if there were something that I
13 needed help with. He was very encouraging at
14 the table about everybody making motions.

15 And so I would like that in
16 the rules, or the duties, so all future
17 chairs welcome all future members, new
18 members, and try to mentor them. I mean, we
19 all are not going to be here forever. So
20 when new members come in, it's important that
21 we welcome them and encourage them so there
22 is not a challenge, then we only have one
23 person making a motion.

24 As you know, like the city
25 attorney just said, you know, if the court

1 looks at something and we leave something
2 out. And I find that making motions is a
3 challenge for all of us, me included.

4 So I would like to see if we
5 could add in the chair, for lack of a better
6 term, mentor any new board members, to the
7 board making available to answer any
8 questions.

9 How do you feel?

10 MR. SANGHVI: First of all, thank
11 you for your sentiments. A lot of desirable
12 things, which individuals may deem are
13 important.

14 But I am a great believer that
15 you have to be very careful when you put
16 something down in writing as part of the
17 procedures or rules. And even though it's a
18 great idea we encourage everybody to make a
19 motion, all of those things, I always
20 believed that the lesser the verbiage on
21 rules and procedures and bylaws and
22 constitutions, better it is for democracy.

23 If you look at our own
24 constitution of the United States, you know
25 how many times it took them to amend it.

1 (Inaudible). Once you write down, and
2 especially the language you put in, sometimes
3 it's a habit staying forever without people
4 realizing what it really means. And I think
5 it should be part of the orientation process
6 for the new ZBA members, explaining to them
7 their duties and their responsibilities, and
8 creating them to be part of board and making
9 motions and all of that, rather than writing
10 down in the rules of procedure.

11 CHAIRPERSON GRONACHAN: Well,
12 Member Sanghvi, the only thing I wanted to
13 put in the rules and procedures is that the
14 chair play as mentor to new members. Not the
15 other stuff.

16 MR. SANGHVI: I know, but the
17 whole point is, the less you write, less is
18 (unintelligible). And leave it open to
19 interpretation. Once you write it down, you
20 are just tying down people's hands.

21 CHAIRPERSON GRONACHAN: Okay.

22 MR. SANGHVI: I don't like to tie
23 down people's hands. We don't want to do
24 that. Thank you.

25 CHAIRPERSON GRONACHAN: Thank

1 you. All right. We will strike that
2 suggestion. Anything else?

3 MR. FERRELL: Just noticed on
4 Section 5, Article 5, motions, less than
5 seven members, the petitioner has the right
6 to table it to the following meeting. So we
7 should probably -- at the start of the
8 meeting we should probably inform --

9 MS. SAARELA: That is on the
10 handout that is outside the door when they
11 come in.

12 MR. FERRELL: I know at other
13 meetings, I think it was last time, if there
14 was less than six or five --

15 MS. SAARELA: We would, but at
16 times it's forgotten. I guess the fear is if
17 it's not uniformly said, if someone forgets
18 at one meeting that, you know, someone is
19 going to argue that they are not be treated
20 the same, that's why we added it to the
21 rules. I think that's up to the chair
22 whether or not --

23 MR. FERRELL: I'm just saying in
24 case they don't actually pick that up.

25 MS. SAARELA: Well, they should.

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CHAIRPERSON GRONACHAN: Based on the conversation, that particular information was discussed, if you recall, the training meeting, and then we had an episode here and then since then it was added to the rules and it's on the -- whatever that sheet is called at the backdoor --

MS. SAARELA: Rules of conduct.

CHAIRPERSON GRONACHAN: Rules of conduct. That gives consistency. That was the recommendation of the city attorney's office that we do it that way. And I agree because it's one less that whoever is sitting in this chair has to read at the beginning of the meeting, that it should not -- it would never get forgotten. It's in print, then we can't be held responsible for leaving that off.

MR. FERRELL: Yes, but you do the Pledge of Allegiance.

CHAIRPERSON GRONACHAN: Sometimes I --

MR. BYRWA: I think one of the things that's important --

MS. SAARELA: We can list it

1 somewhere else on the application or
2 something that. If that would help. I think
3 to having like mandate, repeating things.
4 Because you can sit here and say, well, this
5 is important from these rules of procedure,
6 why don't we say this up front at every
7 meeting, why don't we repeat what the
8 variance requirements are, because oftentimes
9 the petitioners aren't meeting the variance
10 requirements when they are coming up here and
11 talking --

12 MR. FERRELL: Like this case
13 tonight, I think that was something that they
14 probably didn't know that they could do. You
15 did mention it to them and --

16 MS. SAARELA: You know, they
17 weren't necessarily saying a lot of other
18 things they should have been saying or
19 understanding about the process either, but I
20 think that there comes a limit at what you
21 can tell them and make them understand. So I
22 think the best way is to probably have it in
23 writing. So everybody has the option to pick
24 it up and read it uniformly throughout.

25 MR. BYRWA: One of the important

1 things that I think we missed is that one
2 case, that we postponed on the couple with
3 the fence.

4 Thinking back we should have
5 let the public know that the city is not
6 going to do another mailing and that
7 tentatively it's scheduled for the second
8 Tuesday in February, and they can call city
9 hall or go online or whatever, but I don't
10 think -- Charles, you're not doing another
11 mailing on that, are you?

12 MR. BOULARD: No, that was the
13 intent in postponing to a date certain, in
14 this case, February 9, so that everyone would
15 know.

16 MR. BYRWA: We should have let
17 the audience know because there were some
18 people there that were following it pretty
19 close, some of the neighbors and they might
20 be looking for another mailing or something
21 like that. The city will notify, but it's
22 not going to be the case.

23 CHAIRPERSON GRONACHAN: Anything
24 else?

25 So as it stands, the current

1 rules and procedures, I don't think there is
2 any changes. So do we vote on this tonight?

3 MS. SAARELA: There is no
4 changes, so --

5 CHAIRPERSON GRONACHAN: There is
6 no changes, we just accept it as-is and make
7 it this since there isn't an official copy
8 out there?

9 MS. SAARELA: That's fine.

10 CHAIRPERSON GRONACHAN: Does
11 anyone wish to make any other changes to the
12 rule of procedures?

13 (No audible responses.)

14 CHAIRPERSON GRONACHAN: Seeing
15 none, this is the copy dated, do I have to
16 say that?

17 MS. SAARELA: I mean, you can
18 reaffirm and date it as it's dated today.

19 CHAIRPERSON GRONACHAN: Dated as
20 today as the rules of procedure, then next
21 month everybody will get a new copy.

22 Okay. Anything else? Any
23 other matters for discussion?

24 MR. SANGHVI: You want to change
25 the time?

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CHAIRPERSON GRONACHAN: That's
already been done. 7:00 p.m.

Although if the traffic gets
any worse on Ten Mile, we may have to move it
to 7:30.

Nothing else.

Do I have a motion to adjourn
the meeting?

MR. SANGHVI: So moved.

CHAIRPERSON GRONACHAN: All those
in favor?

THE BOARD: Aye.

CHAIRPERSON GRONACHAN: The
meeting is hereby adjourned.

(The meeting was adjourned at 9:12 p.m.)

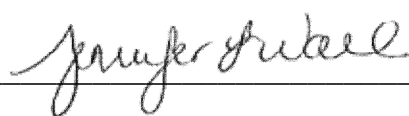
** ** *

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, this
 19 20th day of January 2016.

20
 21
 22 



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

25