

REGULAR MEETING - ZONING BOARD OF APPEALS

CITY OF NOVI

March 14, 2017

Proceedings taken in the matter of the ZONING BOARD OF APPEALS, at City of Novi, 45175 West Ten Mile Road, Novi, Michigan, on Tuesday, March 14, 2017

BOARD MEMBERS

Mav Sanghvi, Acting Chairperson

Jonathan Montville, Secretary

David Byrwa

Brent Ferrell

Linda Krieger

Thomas Nafso

Joe Peddiboyina

ALSO PRESENT:

Beth Saarela, City Attorney

Lawrence Butler

Coordinator: Monica Dreslinski, Recording Secretary

REPORTED BY: Jennifer L. Wall, Certified Shorthand
Reporter

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Tuesday, March 14, 2017

Novi, Michigan

7:00 p.m.

** ** *

CHAIRPERSON SANGHVI: Good

evening. It's time to call the ZBA meeting for
the City of Novi to order.

Will you please all rise and
join me in the Pledge of Allegiance.

(Pledge recited.)

CHAIRPERSON SANGHVI: Thank you.

Monica, will you please call
the roll.

MS. DRESLINSKI: Member Byrwa?

MR. BYRWA: Here.

MS. DRESLINSKI: Member Ferrell?

MR. FERRELL: Here.

MS. DRESLINSKI: Member Krieger?

MS. KRIEGER: Here.

MS. DRESLINSKI: Member Nafso?

MR. NAFSO: Here.

MS. DRESLINSKI: Member

Montville?

1 MR. MONTVILLE: Present.

2 MS. DRESLINSKI: Member

3 Peddiboyina is absent, unexcused.

4 Chairperson Sanghvi?

5 CHAIRPERSON SANGHVI: Here.

6 MS. DRESLINSKI: And Chairperson

7 Gronachan is absent, excused.

8 CHAIRPERSON SANGHVI: At this

9 point, if anybody wants to make any statement

10 to the board about any subject other than those

11 on the agenda tonight, you are welcome to do it

12 at this point.

13 Seeing none, we will move onto

14 the next item on the agenda.

15 Is there any change in the

16 agenda?

17 MS. DRESLINSKI: The very first

18 case will be tabled until the April 11th

19 meeting. So it's PZ16-0063.

20 CHAIRPERSON SANGHVI: All right.

21 Chair will entertain a motion to table Case No.

22 PZ16-0063.

23 MR. FERRELL: So moved.

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MS. KRIEGER: Second.

CHAIRPERSON SANGHVI: Motion has been made and seconded. All those in favor signify by saying aye.

THE BOARD: Aye.

CHAIRPERSON SANGHVI: Motion carries.

We will move onto the first case of the evening. That is PZ17-0004, C & S Twelve Mile Center, 41935 Twelve Mile Road, south of Twelve Mile Road and west of Meadowbrook, 50-22-14-200-025.

If the applicant is here, please kindly come to the podium.

Would you please state your name and address for our recording secretary. Are you an attorney?

MR. MURPHY: No.

CHAIRPERSON SANGHVI: Will you please be sworn in by our secretary. State your name and address.

MR. MURPHY: David Murphy, 706 Florence Avenue, Royal Oak, Michigan 48067.

1 The property that I am standing here for is --

2 MR. MONTVILLE: Swear you in if
3 you don't mind.

4 Raise your right hand. Do you
5 promise to tell the truth in the testimony you
6 are about to give?

7 MR. MURPHY: I do.

8 CHAIRPERSON SANGHVI: Please
9 state your case. Thank you.

10 (Whereupon Member Peddiboyina is now present.)

11 MR. MURPHY: We are requesting a
12 dimensional variance of about two feet eight
13 inches for 41935 West 12 Mile Road. It's C & S
14 Twelve Mile Center.

15 I have a presentation to give.
16 I'll kind of explain to you guys the site and
17 what we are looking to do.

18 So this is the overall site.
19 We have an existing three story building on it,
20 as it lies today. We have a new tenant moving
21 into the facility and one of the stipulations
22 in the contract is to relocate a generator and
23 a switch gear associated with the generator.

1 So the entrance is at the
2 northwest corner of the site, Twelve Mile runs
3 this direction here (ind) and -- let's see.
4 Here is the proposed generator location. And
5 over here is the proposed switch gear location.

6 We have an existing dumpster
7 in the back corner here, and that is the
8 property line that goes all the way around.

9 So what we are looking to do
10 is close off the parking area in front of this
11 switch gear, and get a dimensional variance for
12 approximately two foot eight inches because we
13 do not meet the six foot setback from the
14 property line here.

15 So from this point to here, we
16 are about to the edge of the slab right about
17 three foot four inches and we're providing
18 arborvitaes screens on all three sides except
19 for the area where we are providing no parking.

20 The DTE Energy line turns onto
21 this site right at this location. That is one
22 of the reasons why we are proposing the
23 location, for us and for DTE to provide the

1 switch gear in this location.

2 There is no adverse impact to
3 surrounding properties because we are screening
4 and we also have limited room in this location
5 to put this switch gear. I mean, because of
6 how the parking lot is laid out, there is not
7 many other chances we can put -- other
8 locations where we can put the generator -- I
9 am sorry, the switch gear.

10 Here is the switch gear, it's
11 about eight inches wide, by 44 by 100 inches
12 tall. And we are asking you guys for the two
13 foot eight inch variance closer to the property
14 line than six feet.

15 Any questions?

16 CHAIRPERSON SANGHVI: Thank you.
17 We will come back to you, if necessary. Is
18 there anybody in the audience that would like
19 to make any comments about this case?

20 Seeing none, thank you. City,
21 do you have any comments to make?

22 MR. BUTLER: Yes. Question for
23 you. I noticed that the screening that you had

1 around the switch gear, you didn't put none in
2 the front because that's facing the parking
3 lot, the concrete runs all the way into that
4 curb right there?

5 MR. MURPHY: Yep.

6 MR. BUTLER: You are aware that
7 it does have to meet the city's noise standards
8 for the generator?

9 MR. MURPHY: We do, yes.

10 MR. BUTLER: That's fine.

11 CHAIRPERSON SANGHVI: Thank you.
12 Got any kind of correspondence?

13 MR. MONTVILLE: Fourteen letters
14 mailed, one letter returned, zero approvals and
15 zero objections.

16 CHAIRPERSON SANGHVI: Thank you.
17 Open it up to the board.

18 MR. BYRWA: I was wondering, what
19 was the required amount of parking there? Did
20 you meet that or were you already short, or --

21 MR. MURPHY: We meet it by very
22 few. I think we are a few parking spots over.

23 MR. BYRWA: So eliminating one,

1 you're still within the required parking?

2 MR. MURPHY: Yes.

3 MR. BYRWA: Good. Thank you.

4 CHAIRPERSON SANGHVI: Anybody
5 else?

6 MS. KRIEGER: According to the
7 fire marshal, you're installing a protective
8 barrier around the new generator?

9 MR. MURPHY: Correct, we are. We
10 have guard posts. I wasn't really focusing on
11 the generator here, but we do have guard posts
12 along the back side of the generator.

13 CHAIRPERSON SANGHVI: Anybody
14 else?

15 I did come and see your
16 property and looked at it and I know where you
17 are going to place it. And I appreciate you
18 coming over here and making a presentation.
19 Thank you. Like to entertain a motion.

20 MS. KRIEGER: Do you have a
21 question?

22 MR. MONTVILLE: I'm prepared to
23 make a motion.

1 In Case No. PZ17-0004, the
2 applicant, C & S Twelve Mile Center, LLC, I
3 move that we grant the variance as requested
4 for the following reasons. The petitioner has
5 shown a practical difficulty requiring the
6 additional generator and the corresponding
7 switch box on the east side of the lot. This
8 property is unique due to the non-created
9 nature of the existing structure and also the
10 DTE energy line entering the property at the
11 specified location given by the applicant where
12 the switch box is going.

13 The petitioner did not create
14 these conditions. And the relief, when
15 granted, will not unreasonably interfere with
16 any adjacent or surrounding properties as the
17 switch box will be screened in, and due to the
18 neighbor on the east side has a similar type of
19 an outpost or electrical structure, looks very
20 similar, so from an esthetic standpoint, there
21 will be no negative impact. The relief is
22 consistent with the spirit and intent of the
23 ordinance. For those reasons, I move that we

1 grant variance as has been requested.

2 MR. FERRELL: Second.

3 CHAIRPERSON SANGHVI: Motion has
4 been made and seconded. Any further
5 discussion?

6 Seeing none, Madam Secretary,
7 will you please call the roll.

8 MS. DRESLINSKI: Member Byrwa?

9 MR. BYRWA: Yes.

10 MS. DRESLINSKI: Member Ferrell?

11 MR. FERRELL: Yes.

12 MS. DRESLINSKI: Member Krieger?

13 MS. KRIEGER: Yes.

14 MS. DRESLINSKI: Member Nafso?

15 MR. NAFSO: Yes.

16 MS. DRESLINSKI: Member
17 Montville?

18 MR. MONTVILLE: Yes.

19 MS. DRESLINSKI: Member
20 Peddiboyina?

21 MR. PEDDIBOYINA: Yes.

22 MS. DRESLINSKI: Chairperson
23 Sanghvi?

1 CHAIRPERSON SANGHVI: Yes. Thank
2 you.

3 MS. DRESLINSKI: Motion passes
4 seven to zero.

5 CHAIRPERSON SANGHVI:
6 Congratulations. Go ahead and
7 do the necessary things.

8 MR. MURPHY: Thank you.

9 CHAIRPERSON SANGHVI: I am going
10 to go back where we started. The minutes for
11 January 2017.

12 Is there any additions or
13 deletions on the minutes as presented?

14 MS. DRESLINSKI: No.

15 CHAIRPERSON SANGHVI: Seeing
16 none, may the Chair entertain a motion to
17 approve the minutes as presented.

18 MR. FERRELL: So moved.

19 CHAIRPERSON SANGHVI: Motion has
20 been made, second?

21 MR. NAFSO: Second.

22 CHAIRPERSON SANGHVI: All those
23 in favor say aye.

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THE BOARD: Aye.

CHAIRPERSON SANGHVI: Those
opposed. None. Thank you.

Let's go onto the next item on
the agenda.

The next case for us is
PZ17-0005, Gary Ehlers, 1705 East Lake Drive,
north of Thirteen Mile Road and west of Novi
Road, Parcel #50-22-02-357-015.

The applicant is requesting a
variance from the City of Novi Zoning Ordinance
Section 4.19 to allow for the installation of a
sunroom slash storage room in the side yard.
The property is zoned one family residential,
R4.

Is the applicant here? Will
you please come forward and state your name and
address and if you're not an attorney, please
be sworn in by our secretary.

MR. EHLERS: My name is Gary
Ehlers. I live at 170 East Lake Drive in Novi.

This is my fourth variation.
I have come four years in a row to ask for a

1 variance on a little cottage. I probably could
2 have done this a little smarter, did it all at
3 once.

4 MR. MONTVILLE: Have you raise
5 your right hand and be sworn in.

6 Do you promise to tell the
7 truth in the testimony you are about to give?

8 MR. EHLERS: Yes.

9 CHAIRPERSON SANGHVI: Go ahead.

10 MR. EHLERS: The variance we are
11 asking for on this little cottage, it's on a
12 small lot, is for the -- it says on the side
13 yard, but it's the back of the house. That's
14 really where you can only park there. And we
15 looked at putting a garage in there. We didn't
16 have enough space.

17 You know, so what we are doing
18 is putting a shed and a sunroom in the back.
19 Because when you enter the house in the back,
20 that's where you park. When you walk right
21 into the house, I mean, with no sunroom and no
22 backyard, you're walking right into the house,
23 no place to put your coat, no mud room or

1 anything like that, so it's a smaller shed,
2 with a closet in the sunroom and we are going
3 to have is a little sunroom in the back. And I
4 really believe it's just going to make it a lot
5 more usable. It's going to blend in with the
6 house.

7 The house has been, gosh,
8 pretty much redone many times already. And I
9 think that was the best thing we could do. We
10 still need parking in the back. We can still
11 get three vehicles in the back, but we couldn't
12 do a garage and get parking in the back, so
13 this is an opportunity.

14 But again, it's not on the
15 side yard, it's still within the dimensions of
16 the house from the front to back.

17 The only exception on the
18 drawing, if you have that on the last -- on the
19 lot, the builder came out and he would just as
20 soon take it from the back of the house to
21 13 feet instead of what it says 10 feet,
22 because there is -- we have got a cement
23 driveway. There is a saw cut right there. He

1 would like to do the saw cut right there, that
2 still leaves us almost 19 feet before we get to
3 the edge of Chapman. I don't know if Chapman
4 is really a road. I think it's a service road.
5 I don't know if there any houses or addresses
6 on it. It only runs from Endwell (ph) to
7 Monticello.

8 And I guess that's what we're
9 asking for the variance for, to add on a little
10 sunroom, a little storage unit in the back.

11 We currently have a storage
12 unit because that's going to be torn down.
13 It's going to be a smaller one, and the
14 sunroom, so that we can have some closets and
15 some stuff to get in the back of the house.
16 Because it's a little cottage, you never have
17 enough storage, so --

18 CHAIRPERSON SANGHVI: Thank you.
19 Anybody in the audience who would like to make
20 any comments about this case?

21 Seeing none, city?

22 Mr. Butler?

23 MR. BUTLER: Yes. Due to the

1 unique nature and shape of this lot, he doesn't
2 really have a whole lot of area to go to, so I
3 can see that's in the spirit of just trying to
4 find some parking for his car. He does have a
5 need for that. If he can't go anyplace else
6 without exceeding the request on setback
7 variances.

8 CHAIRPERSON SANGHVI: Thank you.
9 Mr. Secretary, any correspondence?

10 MR. MONTVILLE: We have 74
11 letters mailed, six letters returned, three
12 approvals all from the same individual, Mark
13 Adams, at 1721 East Lake Drive, looks great and
14 appreciates the design of the house and
15 mentions the applicant is a quote, nice guy.

16 CHAIRPERSON SANGHVI: Members of
17 the Board?

18 MR. BYRWA: Yes, I got a question
19 for the city here.

20 Was there a check to see if
21 there was no easements or anything running
22 between the lot lines in the side yard?

23 MR. BUTLER: For the ZBA, no, but

1 when he came up with the design of the house
2 that had to have been checked for the property.

3 MR. BYRWA: Thank you.

4 CHAIRPERSON SANGHVI: Anybody
5 else?

6 MS. KRIEGER: Yes. Question.
7 You said on the map here, on the picture that
8 it's 10 feet and it's going to be 13 feet. Is
9 that encompassed in here?

10 MR. EHLERS: There should be a --
11 I think the plot plan on the back, the last
12 one, it basically takes you from the edge of
13 the house, it says it's going back 10 feet,
14 then it says it's got 20 feet to the road.
15 Well, it's more -- it's going back 13 feet to
16 the saw cut and there is almost -- there is
17 about 19 feet, so this dimension is wrong. The
18 builder is asking can you do the 13, because he
19 wants to save the saw cut and do it
20 accordingly. I'm still 18, 19 feet plus.

21 MS. KRIEGER: Would that have to
22 be redone, then?

23 MR. BUTLER: Yes, if he's

1 changing the dimensions of what he's requesting
2 as to what he's advertised, then he would have
3 to come back and resubmit.

4 MS. SAARELA: Only if he's
5 increasing.

6 MR. BUTLER: Are you
7 increasing --

8 MS. SAARELA: The variances.

9 MR. EHLERS: Well, I guess he
10 said I guess I don't have to, but the builder
11 would like me to. But I guess I can. All I'm
12 going to do is change the bottom line, I guess.
13 Does that take a long time with --

14 MS. SAARELA: You have to
15 renotice it with different variances. So it
16 would have to be next month.

17 MR. BYRWA: If we see the
18 non-conformity, we have to readvertise and
19 renotify everybody. Let anybody know that it's
20 different than what you actually proposed.

21 MS. KRIEGER: You have to repay
22 the application fee?

23 MR. BYRWA: No.

1 MS. KRIEGER: It's up to you.

2 CHAIRPERSON SANGHVI: Do we have
3 to table this?

4 MR. EHLERS: I don't know that I
5 want to wait --

6 MS. DRESLINSKI: If you just want
7 to ask for the 10 feet, ask for the 10 feet,
8 maybe talk about it with your builder, if you
9 want to come back for the 13 feet, but you can
10 keep it at 10 feet if you want to get approval
11 or a straight objection today, it's up to you.

12 MR. EHLERS: I guess, I don't
13 want to really wait and run into May and June,
14 do all of that. I just like to approve it as
15 is and if that's what it is, I would just have
16 him, you know, deal with the 10 feet, I guess.

17 I mean, I guess just ignore my
18 request because I guess if I wanted to do that,
19 I would have to come back and apply and be
20 another -- what's that two months.

21 MS. DRESLINSKI: We could get you
22 on the April meeting.

23 CHAIRPERSON SANGHVI: Your

1 choice.

2 MR. EHLERS: Oh, boy. If you
3 could do it in April, what date?

4 MS. DRESLINSKI: April 11.

5 MR. EHLERS: Oh, boy. I am sorry
6 I'm taking this much time. I guess I will come
7 back then on the 11th. Can I just change this
8 back page and come in and see.

9 MS. DRESLINSKI: You will have to
10 submit new drawings, you can add the extra
11 three feet, then you will have to update your
12 application. We will have to readvertise
13 though.

14 MR. EHLERS: Sorry about that.

15 CHAIRPERSON SANGHVI: I move to
16 table it to the April 11 meeting.

17 MR. BYRWA: I would like to make
18 a motion to --

19 CHAIRPERSON SANGHVI: I would
20 entertain a motion to table this case.

21 MR. FERRELL: Second.

22 CHAIRPERSON SANGHVI: Motion has
23 been and seconded. All those in favor say aye.

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THE BOARD: Aye.

CHAIRPERSON SANGHVI: Those opposed. Motion passes. We will see you next month.

Next case. PZ17-0006, 22575 Heslip Drive, north of Nine Mile Road. The applicant is requesting a variance from the City of Novi Zoning Ordinance Section 4.19 to allow for the installation of an accessory use structure in the side yard.

Please state your name, address. And if you are not an attorney, be sworn in by our secretary. Thank you.

MR. PROUX: Scott Proux, PM Technologies at 29395 Wall Street, Wixom, Michigan 48393.

MR. MONTVILLE: Raise your right hand, sir. Do you promise to tell the truth in the testimony you are about to give?

MR. PROUX: I do.

CHAIRPERSON SANGHVI: Go ahead.

MR. PROUX: I have a little presentation. Site location at 22575 Heslip

1 Drive, Novi, Michigan. The site school
2 district is Novi, site zoning is I1, light
3 industrial, the site uses are offices and
4 warehouse. The adjoining zoning is northeast
5 and south are I1, light industrial, west is
6 RM1, and the site size is approximately one
7 acre.

8 What we are proposing is a
9 generator installation at the existing building
10 at 22575 Heslip Drive in Novi, and northwest of
11 the building between the parcel lot line to the
12 north and the building.

13 The paperwork submitted to the
14 ZBA was approved contingent to their
15 recommendations of the generator sitting 10
16 foot off of the existing building, and shrubs
17 on all three sides of the generator.

18 This is just a drawing of what
19 we are proposing. This is kind of like a site
20 drawing of the existing site off of Heslip
21 Drive, but the back of the generator will be
22 ten foot off the building, the front of the
23 generator with the depth of 37 inches will put

1 us at six foot nine inches of the property line
2 next door. We are going to have shrubs on all
3 three sides so those shrubs on the property
4 line will be three foot nine inches off the
5 property line.

6 The generator dimensions are
7 98 inches long, 37 inches deep and 43 inches
8 high.

9 This is a site layout. I
10 didn't put a thing in there, like I should
11 have, but you see where Heslip Drive is, the
12 northwest side of that building where the back
13 of the parking lot there is a blue car, just to
14 the north there, that's where we are proposing
15 to put the generator. That's right next to
16 where a dumpster sits.

17 This is the picture of the
18 site. My customer site at 22575 Heslip is on
19 the left. Their neighboring lot is on the
20 right.

21 This is the array of grass
22 that we have room to put the generator. It's
23 20 feet wide, so their property line is right

1 where -- it's kind of right where the
2 neighbor's parking lot is, to where the grass
3 starts, that's where the property line is, it's
4 about 20 feet right there.

5 Where we are proposing to put
6 it, is next to where the dumpster sits, in this
7 back corner. Like I said, we are going to be
8 10 foot off the building, which would put us
9 six foot, nine inches off that property line,
10 with the depth of that generator being at
11 37 inches.

12 This is basically a picture of
13 what the generator was going to look like. It
14 got approved with the dba level. I know that
15 was a question earlier. It's a 67 dba. It's
16 the quietest generator on the market today. I
17 guess my -- after seeing -- I have never done
18 this before, so I didn't know how to do it.

19 Is there anything else you
20 would like to know about the property?
21 Anything I need to propose? When can we get
22 started on the installation? What's the next
23 steps?

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CHAIRPERSON SANGHVI: Thank you.

Is there anybody in the audience who would like to make any comments about this case?

Seeing none, Mr. Butler.

MR. BUTLER: Yes, question. Some of the dimensions that you are reading aren't the dimensions that I have on my tab. So we need to get a correction. Also you have an option one and option two. You have to tell us what option that you want.

MR. PROUX: The ZBA board, I got an email about a week and a half ago, the ZBA board did not approve number one because it's too close to Heslip Drive. They approved number two, which is back by the dumpster, hence I changed it on my Power Point.

MS. DRESLINSKI: Do you mean the Planning Commission?

MR. PROUX: Planning Commission. Sorry.

MR. BUTLER: You had stated that the back of the generator is going to be, in your estimation, nine feet from the building?

1 MR. PROUX: On my drawing, no, I
2 am putting 10 feet. That's what the Planning
3 Commission approved is 10 foot off the
4 building. There is other neighboring -- I did
5 get site photos, but I didn't want to cause
6 trouble here tonight. So there is other
7 generators that are within three foot of the
8 building, which I originally proposed. But
9 they made the recommendation of being 10-foot
10 off the building, which is normally for a
11 diesel generator, for a natural gas generator
12 that I am proposing is three foot is what the
13 manufacture recommends.

14 But to meet the City of Novi's
15 ordinances, we are going to be 10-foot.

16 MR. BUTLER: The only problem we
17 have here is what we have here, the drawing
18 says three foot, you're saying ten foot, so
19 this is what was advertised.

20 MR. PROUX: I asked for three
21 foot, because that's what the manufacturer
22 recommended, but the Planning Commission told
23 me that everything is approved contingent upon

1 me meeting their requirements, which is 10 foot
2 off the building. If I could do three foot, I
3 would love to do three foot.

4 MS. KRIEGER: If it's 10 foot,
5 shouldn't it be safer?

6 MS. SAARELA: Is it closer to
7 meeting the standard that way?

8 MS. KRIEGER: I would think so
9 yes, because it's less -- if it's three feet is
10 the minimum, he's asking for something, that's
11 different -- better than minimum.

12 MR. BYRWA: But you're not giving
13 a true scenario to the neighboring properties.
14 You have to readvertise again, I would think.
15 But any deviation from the original proposal --

16 MS. SAARELA: It's not a
17 deviation. If you are increasing the variance.
18 So you have to determine whether it's an
19 increase in the variance. If you are
20 decreasing the variance, you don't have to
21 readvertise.

22 MR. BYRWA: Right, but I would
23 think if you are adding numbers or adding

1 setbacks, you would be increasing, but we could
2 vote on that.

3 MS. KRIEGER: According to the
4 ordinance, I mean, it's a safer distance. If
5 it's closer to the building, it creates --
6 because of the generator, it can create fire,
7 so closer to the building, more fire, if it's
8 farther away, you have a less chance of fire,
9 so it's safer. So then it's a decrease in
10 variance.

11 MR. BYRWA: But what you are
12 doing, if you were the neighbor --

13 MS. SAARELA: I don't see where
14 this is changing the variance -- the terms of
15 the ordinance.

16 MR. FERRELL: What is the
17 ordinance, is it 10 feet or three feet?

18 MS. SAARELA: It's not based on
19 feet. It's based on location.

20 MR. FERRELL: Why do they come up
21 with 10 feet?

22 MS. SAARELA: The Planning
23 Commission is looking at some other standards,

1 maybe safety standards. They're looking at
2 further 10 feet, but that's not what we are
3 looking at here. We are looking at a zoning
4 ordinance requirement to prohibit it in the
5 side yard. So we are just looking at the side
6 yard issue.

7 MR. FERRELL: Not the distance?

8 MS. SAARELA: No.

9 MR. FERRELL: So the three feet
10 that has been advertised it really doesn't
11 affect us?

12 MS. SAARELA: No.

13 MR. BUTLER: No. We should be
14 okay then.

15 CHAIRPERSON SANGHVI: Before we
16 go to that, is there any correspondence?

17 MR. MONTVILLE: There were 27
18 letters mailed, two letters returned, and zero
19 approvals and zero objections.

20 CHAIRPERSON SANGHVI: Okay. Now,
21 we can really open it to the board before we
22 get to that part.

23 So anybody wants to make a

1 motion?

2 MR. BUTLER: One last question.
3 Drainage for that site, do you run into any
4 drainage because there is a swell there that
5 you're going to have to deal with?

6 MR. PROUX: We didn't notice any.
7 There is no drains over on that side that we
8 noticed. On the two locations we submitted,
9 there was nothing near those.

10 MR. BUTLER: Okay. No further
11 questions.

12 MR. BYRWA: You know, my question
13 is, in a lot of cases, the original building,
14 when it was built, the size of that building
15 was based on -- or a lot of times they're based
16 on what they call an open perimeter increase,
17 which means the access of emergency fire trucks
18 and stuff can come around the building and
19 address any kind of emergency going on in the
20 building.

21 When you start putting up
22 things next to the building or far away from
23 the building, you start compromising the open

1 perimeter increase that the size of the
2 building was granted on.

3 I guess the question to the
4 building department, did anybody check on the
5 allowable size of the building in the open
6 perimeter increase, and then secondly, if
7 putting up a generator would decrease the open
8 perimeter increase?

9 MS. DRESLINSKI: Does it help
10 that the fire marshal also already looked at
11 the plans and approved it?

12 MR. BYRWA: That would weigh a
13 lot, yes, okay.

14 CHAIRPERSON SANGHVI: Okay.
15 Anything else before we go to a motion? Okay.
16 I would entertain a motion.

17 MS. KRIEGER: I would like to say
18 you made a nice presentation.

19 MR. PROUX: Thank you.

20 MS. KRIEGER: In Case No.
21 PZ17-0006, for Preventative Maintenance
22 Technologies on Heslip Drive, I move to approve
23 the request -- grant the request for the

1 variance to install the installation of the
2 accessory structure in the side yard.

3 That the petitioner has
4 established that the property is unique. It is
5 in an I1 district. The physical conditions
6 enable the generator to be placed where it is
7 proposed. It's not self-created. The
8 petitioner will be unreasonably prevented from
9 using it, so necessary when they looked at all
10 the areas, and the fire marshal approved the
11 location and the way it's positioned. And
12 established that the variance is the minimum
13 variance necessary, and the requested variance
14 will not adversely impact surrounding
15 neighboring properties or values or the
16 enjoyment of their properties since the
17 generator will be a quiet one.

18 MR. PEDDIBOYINA: Second.

19 CHAIRPERSON SANGHVI: A motion
20 has been made and seconded. Any further
21 discussion? Seeing none, please call the roll.

22 MS. DRESLINSKI: Member Byrwa?

23 MR. BYRWA: Yes.

1 MS. DRESLINSKI: Member Ferrell?

2 MR. FERRELL: Yes.

3 MS. DRESLINSKI: Member Krieger?

4 MS. KRIEGER: Yes.

5 MS. DRESLINSKI: Member Nafso?

6 MR. NAFSO: Yes.

7 MS. DRESLINSKI: Member

8 Montville?

9 MR. MONTVILLE: Yes.

10 MS. DRESLINSKI: Member

11 Peddiboyina?

12 MR. PEDDIBOYINA: Yes.

13 MS. DRESLINSKI: Chairperson

14 Sanghvi?

15 CHAIRPERSON SANGHVI: Yes.

16 MS. DRESLINSKI: Motion passes

17 seven to zero.

18 CHAIRPERSON SANGHVI: Thank you.

19 Congratulations.

20 Next case is P17-0007, 39475

21 Ten Mile Road. The applicant is requesting a

22 variance in the City of Novi Code of Ordinance,

23 28-5, to allow three 20.65 square foot wall

1 signs. This property is zoned is office
2 service. Is the applicant here. Go ahead.

3 Please state your name and
4 address, and if you are not an attorney, please
5 be sworn in by our secretary. Please go ahead.

6 MS. DIACHENKO: My name is Eva
7 Diachenko, D-i-a-c-h-e-n-k-o. My address is
8 24849 Hathway Street, Farmington Hills,
9 Michigan 48335.

10 MR. DIACHENKO: Gene Diachenko,
11 Euko Signs, 24849 Hathaway, Farmington Hills,
12 Michigan 48335.

13 MR. MONTVILLE: Can you both
14 raise your right hands, please. Do you promise
15 to tell the truth in the testimony you are
16 about to give.

17 MS. DIACHENKO: Yes.

18 MR. DIACHENKO: Yes.

19 MS. DIACHENKO: On behalf of
20 Comerica Bank, we are requesting a variance to
21 install three wall signs on the tower that will
22 be constructed on their site at 39475 West Ten
23 Mile. Construction on the site is beginning

1 today or tomorrow this week.

2 Each wall sign that is
3 proposed is approximately two foot by 10-foot
4 which actually complies with the 65 square foot
5 maximum that a business with a ground sign is
6 allowed. So we are not asking for more square
7 footage and signage, we are just simply asking
8 for more signs.

9 Currently the site has a
10 monument sign, which is approximately two foot
11 by 10-foot, with a one foot by eight foot lower
12 section. And there is no wall signage on the
13 site. To have three wall signs on the branch
14 tower would watch Comerica Bank's standard
15 signage guidelines for all the new towers that
16 are being constructed.

17 We do have some additional
18 photos of other branches across the State of
19 Michigan that have multiple signs on all the
20 side of the towers. Typically three sides of
21 the tower has a wall sign.

22 If we left one side of the
23 tower blank, visually it might appear

1 unbalanced and a bit awkward so a sign on each
2 of the visible tower walls would be the best in
3 terms of design and architecture for the
4 building.

5 In terms of safety, for
6 signage, the three tower signs will increase
7 visibility for people finding the branch and
8 turning into the bank. During peak travel
9 times in that area, such as rush hour, and
10 around the lunch time, the area can be very
11 congested, so if people are able to see the
12 branch from a greater distance, they might be
13 able to more safely turn into the branch's
14 driveways as they approach, instead of quickly
15 maneuvering and causing a bad traffic
16 situation.

17 The signs also will indicate
18 the bank's entrance to people as far as when
19 they're on the site, where they need to go to
20 enter the branch.

21 Other nearby businesses, such
22 as the restaurant to the east of the bank have
23 been allowed additional signage, also at

1 Comerica's Beck and Grand River location in
2 Novi, additional signage was also allowed.

3 So it doesn't seem that out of
4 line with the city's image given the fact that
5 signage will be constructed with high quality
6 materials to industry standards and will
7 reflect a corporate professional image that
8 Comerica Bank has.

9 It not only will benefit the
10 bank as a business, but we think the community
11 as a whole because signage reflects growth
12 within a community, which seems to align with
13 the same philosophy and vitality that the City
14 of Novi has.

15 CHAIRPERSON SANGHVI: Thank you.
16 Anybody in the audience would like to make any
17 comments about this case, this is the time to
18 do so.

19 Seeing none, Mr. Butler.

20 MR. BUTLER: Just wanted to
21 clarify that the monument sign, is it
22 remaining?

23 MS. DIACHENKO: Yes.

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CHAIRPERSON SANGHVI:

Mr. Secretary, any
correspondence?

MR. MONTVILLE: Yes, there were
38 letters mailed, two letters returned and
zero approvals and zero objections.

CHAIRPERSON SANGHVI: Thank you.
Open it up to the board. Ms. Krieger.

MS. KRIEGER: Question, how is
the business doing now as it's currently
sitting, and then in the proposed building, the
tower itself is signage, so how is that
self-created?

MS. DIACHENKO: How the bank is
doing right now for business?

MS. KRIEGER: Yes.

MS. DIACHENKO: Okay. I mean,
it's kind of difficult to see that branch
actually driving by, so I think that is a
problem that's always remained with that
particular branch. Just especially around
congested traffic.

MS. KRIEGER: You don't have

1 statistics on the usage of it?

2 MS. DIACHENKO: No, I don't.

3 MS. KRIEGER: And then developing
4 the tower, that increases visibility by itself.

5 MS. DIACHENKO: The tower, yes.

6 Comerica's branding standard has always been to
7 put their logo on the towers that are being
8 constructed. They're refurbishing several
9 branches, so it's basically an identity for
10 their business.

11 MS. KRIEGER: I am just having
12 difficulty because, usually it's the building
13 had signage and a monument sign, so that's
14 where I am sitting right now. Thank you.

15 CHAIRPERSON SANGHVI: Thank you.

16 MR. MONTVILLE: With the way the
17 building sits right now, it's kind of tucked
18 back to the southern part of Ten Mile. The
19 monument sign is nice, but it is difficult to
20 see, especially if you are coming from
21 Haggerty, and two, even pretty quick flow, it's
22 not really backed up, it's relatively quick
23 flow on Ten Mile, it matches up to you really

1 quick.

2 The way the building sits back
3 visually, it's tough to really pick it up
4 unless you are almost on the top of it. So,
5 you know, I understand the tower, but I don't
6 have a problem with that being self-created. I
7 think the actual location of the building being
8 tucked back is not self-created and adding some
9 visibility elevated, would make it a lot easier
10 to see. I don't have any problems with the
11 request, but again, I will open it up to fellow
12 board members as well.

13 CHAIRPERSON SANGHVI: Anybody
14 else?

15 MR. NAFSO: I would also add when
16 you're heading west down Ten Mile, the business
17 that is directly to the east of the bank comes
18 out much further than the bank does. So as you
19 are crossing Haggerty, in fact, when you're
20 further east of Haggerty, you really can't even
21 see the bank, you can only see the business
22 that's -- the restaurant that's to the
23 immediate east of the business, so I would say

1 that having a sign that's higher up would
2 certainly help increase visibility, especially
3 if you are coming off the intersection of
4 Haggerty.

5 CHAIRPERSON SANGHVI: Thank you,
6 Mr. Nafso.

7 MR. PEDDIBOYINA: Just say I
8 don't (unintelligible) the tower and the name,
9 Comerica Bank, do you think the business is
10 going to be improved?

11 MS. DIACHENKO: I think it would
12 definitely. It will make the business's
13 presence more great within the City of Novi.
14 Right there, you know, it's the border of the
15 Novi and Farmington Hills, if you're traveling
16 west, so kind of welcomes people into the city,
17 so to speak.

18 MR. PEDDIBOYINA: Thank you. I
19 have no issue.

20 CHAIRPERSON SANGHVI: Thank you.

21 MS. KRIEGER: One other question.
22 Is the footprint of the new building going to
23 be closer to Ten Mile?

1 MS. DIACHENKO: I don't believe
2 so.

3 MR. DIACHENKO: Just the distance
4 of the tower, it's just a few feet.

5 MS. KRIEGER: Okay. Thank you.

6 CHAIRPERSON SANGHVI: Very good.
7 I have no known where you have been ever since
8 you started there, long before that. I have no
9 difficulty finding your place, but I can see
10 the problem coming from the east side and
11 coming to -- it's not easy to see very quickly
12 to be bale to turn in there. Traffic volume
13 has changed a lot since I came to Novi 40 years
14 ago.

15 And I can see the need for
16 more visibility, and I also see the need for
17 keeping up with the corporate kind of policy to
18 have a tower and all of that. So I have no
19 problem with your request.

20 Having said that, would
21 anybody like to make a motion? Go ahead.

22 MR. MONTVILLE: In Case No.
23 PZ17-0007, sought by Euko Designs,

1 Incorporated, I move that we grant the variance
2 for the three wall signs as requested, as the
3 petitioner has shown a practical difficulty
4 requiring the addition of these three signs for
5 safety reasons and visibility for the business,
6 and the rezoning of the office service zoning.

7 Without the variance, the
8 petitioner will be limited with the respect to
9 the visibility of the business and also
10 potential security concerns with the high
11 traffic volume at Ten Mile and Haggerty.

12 This property is unique due to
13 the preexisting building and being setback from
14 Ten Mile creating a visibility barrier. The
15 petitioner did not create that particular
16 uniqueness to the property, and the relief when
17 granted will not unreasonably interfere with
18 any adjacent or surrounding properties as the
19 designs of the three additional signs are
20 professional and esthetically pleasing and fit
21 within the environment and current -- or the
22 new proposed building design, remodeling of the
23 bank.

1 The relief is consistent with
2 the spirit and intent of the ordinance. For
3 those reasons, I move that we grant the
4 variance as it's been requested.

5 CHAIRPERSON SANGHVI: Thank you.
6 Second?

7 MR. BYRWA: Second.

8 CHAIRPERSON SANGHVI: Any further
9 discussion?

10 MR. FERRELL: I have a question.
11 So there is three wall signs going to be put
12 up? I guess I missed -- so three put up and
13 leave the monument sign, so a total of four?
14 Any directional signage in --

15 MR. DIACHENKO: Just for the
16 entrance signs.

17 MR. FERRELL: So those are there
18 now?

19 MR. DIACHENKO: Those are there
20 now.

21 MR. FERRELL: How many signs
22 would that be total then?

23 MR. DIACHENKO: Three, four,

1 five, six. I'm not sure if there is two --
2 pretty sure there is one entrance sign and one
3 exit sign. There is a secondary directional
4 sign within the property, for the drive-up ATM,
5 and the drive-up service to try and keep
6 traffic flowing. So there is three.

7 MR. FERRELL: Before the motion,
8 I should have talked about -- I feel like this
9 is a lot of signs for one property. Even
10 though some of these are directional signs and
11 stuff like this. Little excessive.

12 MR. DIACHENKO: Directional signs
13 are critical just for traffic flow.

14 MR. FERRELL: I get that. I am
15 just saying in addition to -- that many signs.
16 I don't know if the other board members feel
17 like that.

18 MR. BYRWA: Wouldn't the ones be
19 exempt then if they are directional? You could
20 get real picky and say, well, the ones that
21 say, ATM for the drive-thru that's a sign, too.
22 You know, how far are you going to go -- you
23 know, I think we are mainly looking at signs

1 advertising Comerica Bank, and some of the
2 convenient small signs that direct traffic or
3 direct you to the ATM, we are really not
4 counting those.

5 MR. FERRELL: They are still
6 considered signs, as far as I know.

7 MS. KRIEGER: Due to the
8 footprint and the setback of the building, I
9 can approve for the variance.

10 MR. DIACHENKO: One comment for
11 me. The directional signs never require a
12 permit, as far as you can have as many as you
13 need basically.

14 MR. FERRELL: Do they count
15 though?

16 MR. DIACHENKO: Yes. It is a
17 dedicated driveway.

18 MR. BUTLER: Directional signs
19 usually fall under planning, they're approved
20 within the site plan, so they're not involved
21 in the ZBA right now for that many signs.

22 MR. FERRELL: Okay. Thank you.

23 CHAIRPERSON SANGHVI: Any further

1 discussion? Seeing none, please call the roll.
2 MS. DRESLINSKI: Member Byrwa?
3 MR. BYRWA: Yes.
4 MS. DRESLINSKI: Member Ferrell?
5 MR. FERRELL: Yes.
6 MS. DRESLINSKI: Member Krieger?
7 MS. KRIEGER: Yes.
8 MS. DRESLINSKI: Member Nafso?
9 MR. NAFSO: Yes.
10 MS. DRESLINSKI: Member
11 Montville?
12 MR. MONTVILLE: Yes.
13 MS. DRESLINSKI: Member
14 Peddiboyina?
15 MR. PEDDIBOYINA: Yes.
16 MS. DRESLINSKI: Chairperson
17 Sanghvi?
18 CHAIRPERSON SANGHVI: Yes.
19 MR. NAFSO: Motion passes seven
20 to zero.
21 CHAIRPERSON SANGHVI:
22 Congratulations. Next any
23 other matters for discussion tonight?

1 MR. BYRWA: I have a question for
2 the City Attorney. Would it be more accurate
3 when we put off a case to another evening to
4 use the word postponed rather than tabling? My
5 understanding of the word tabling means that we
6 bring it back up at the same meeting when
7 something is tabled, but when something is
8 postponed, it's to another meeting.

9 MS. SAARELA: We have had this
10 discussion before. I don't have a preference
11 for what word is used. We are using it in the
12 context of putting it over to the next meeting.
13 I think it's pretty clear what we are doing.
14 It's not being brought back up at the same
15 meeting.

16 MS. DRESLINSKI: I am going to
17 write postponed in the minutes.

18 CHAIRPERSON SANGHVI: It's
19 semantics.

20 MR. PEDDIBOYINA: Sorry for the
21 delay in the meeting. I was four minutes late
22 for traffic.

23 CHAIRPERSON SANGHVI: Seeing

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none, I would entertain a motion to adjourn the meeting.

MR. FERRELL: So moved.

MR. BYRWA: Second.

CHAIRPERSON SANGHVI: Motion moved and seconded all those in favor.

THE BOARD: Aye.

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

** ** *

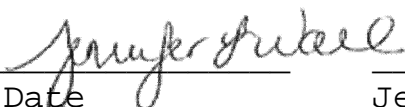
1 STATE OF MICHIGAN)
 2) ss.
 3 COUNTY OF OAKLAND)

4 I, Jennifer L. Wall, Notary Public within and
 5 for the County of Oakland, State of Michigan,
 6 do hereby certify that the meeting was taken
 7 before me in the above entitled matter at the
 8 aforementioned time and place; that the
 9 meeting was stenographically recorded and
 10 afterward transcribed, and that the said
 11 meeting is a full and correct transcript.

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

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

20 4-19-17

21 
 Date

22 Jennifer L. Wall CSR-4183
 Oakland County, Michigan
 My Commission Expires 11/12/22

23