

REGULAR MEETING - ZONING BOARD OF APPEALS

CITY OF NOVI

February 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, February 14, 2017

BOARD MEMBERS

Cindy Gronachan, Chairperson

Thomas Nafso, Acting Secretary

David Byrwa

Brent Ferrell

Linda Krieger

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, February 14, 2017
Novi, Michigan
7:00 p.m.

** ** *

CHAIRPERSON GRONACHAN: Good evening. I'd like to call the February 2017 Zoning Board of Appeals meeting to order.

Would you please all rise for the Pledge of Allegiance.

(Pledge recited.)

CHAIRPERSON GRONACHAN: Monica, would 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: Present.

MS. DRESLINSKI: Member Nafso?

MR. NAFSO: Here.

MS. DRESLINSKI: Member Montville, absent excused.
Member Peddiboyina, absent

1 excused.

2 Member Sanghvi, absent

3 excused.

4 And Chairperson Gronachan?

5 CHAIRPERSON GRONACHAN: Present.

6 Thank you. I would like to
7 welcome everyone to this evening's meeting
8 and ask that at this time everyone please
9 turn off your cellphones, put them on vibrate
10 so we don't have any interruptions during our
11 proceedings.

12 I am also going to welcome our
13 newest member, Thomas Nafso, who has been
14 appointed by City Council as an alternate and
15 because there are three members not present
16 this evening, he will be voting. He does
17 have the authority to vote this evening.

18 Are there any changes to the
19 agenda this evening?

20 MS. DRESLINSKI: Yes. The
21 second case PZ16-0036, has requested to be
22 postponed until the March 14th meeting.

23 CHAIRPERSON GRONACHAN: Okay.

1 So postponed.

2 Any other changes?

3 MS. DRESLINSKI: No, ma'am.

4 CHAIRPERSON GRONACHAN: All
5 those in favor of the change to the agenda
6 say aye.

7 THE BOARD: Aye.

8 CHAIRPERSON GRONACHAN: None
9 opposed. The agenda has been approved.

10 We have our minutes from
11 December 2016 for review in our packet, were
12 there any changes, deletions?

13 Seeing none, all those in
14 favor of the December minutes say aye.

15 THE BOARD: Aye.

16 CHAIRPERSON GRONACHAN: None
17 opposed. The minutes for the December
18 meeting having been approved.

19 At this time, if there is
20 anyone in the audience that wishes to make
21 remarks in front of the board regarding any
22 subject that is not on this evening's agenda
23 may do so now.

1 Is there anyone that has any
2 comments or concerns that they would like to
3 bring forward to the ZBA?

4 Seeing none, we will move
5 forward to our first case, PZ16-0058, Sign
6 Works of Michigan. The petitioner is here?
7 Come on down, please. 44000 Grand River
8 Avenue, north of Grand River, west of Novi
9 Road.

10 The applicant is requesting a
11 variance from the City of Novi code to allow
12 installation of 270 square foot wall signs.

13 I believe that you have been
14 before us and are coming back for some
15 changes.

16 So would you please state your
17 name, spell it for our recording secretary,
18 raise your right hand and since our secretary
19 is absent, do I swear them in?

20 MS. SAARELA: Sure.

21 CHAIRPERSON GRONACHAN: Your
22 name, please.

23 MS. FRASS: Good evening. My

1 name is Ann Frass, F-r-a-s-s.

2 CHAIRPERSON GRONACHAN: Thank
3 you. Do you swear or affirm that the
4 information you are about to give is the
5 truth?

6 MS. FRASS: Yes, ma'am.

7 CHAIRPERSON GRONACHAN: Thank
8 you. You may proceed.

9 MS. FRASS: Good evening. Again
10 my name is Ann. I am with Sign Works of
11 Michigan. And I represent Comau at 44000
12 Grand River Avenue in Novi.

13 And as you mentioned, I was
14 here once before and my presence tonight is
15 here as a formality.

16 At the December 13th meeting,
17 your board approved our variance request for
18 two 12 foot by 14 and a half wall signs.

19 Unfortunately, the application
20 and the legal advertisements that went out
21 had a 10-foot by 12-foot size. Your packets
22 might actually had both illustrations, and I
23 clarified this with Mr. Butler before the

1 meeting, and it was made known to the group
2 that we were requesting the largest size, the
3 12 foot by 14 and a half foot.

4 It was an understanding here
5 at the meeting, I think everyone here thought
6 that approval at that time would be
7 sufficient, but Jeannie let me know that the
8 smaller size had been advertised and the
9 larger size needed to be, which was done for
10 this meeting tonight.

11 So again my presence tonight
12 is just to confirm your approval that you
13 have already done of the 12-foot by 14 and a
14 half foot size.

15 I am happy to present all of
16 the information again, as I did in December,
17 if you would like, or entertain any
18 questions.

19 CHAIRPERSON GRONACHAN: All
20 right. Thank you. At this time, we will
21 reserve your presentation. We have the
22 minutes from the previous meeting, and it
23 would be at the pleasure of the board if they

1 needed additional information.

2 MS. FRASS: Okay.

3 CHAIRPERSON GRONACHAN: Is there
4 anyone in the audience that wishes to make
5 comment on this case?

6 Seeing none, building
7 department.

8 MR. BUTLER: No comments. Stand
9 by for remarks.

10 CHAIRPERSON GRONACHAN: Thank
11 you. All right. Board members?

12 No one got any comments this
13 evening?

14 MS. KRIEGER: Anything in the
15 packet?

16 CHAIRPERSON GRONACHAN: There is
17 no correspondence. The letters were resent
18 again. There were 28 letters mailed, four
19 letters returned, zero approvals, zero
20 objections. I am doing double duty tonight.
21 Sorry, guys. Member Krieger.

22 MS. KRIEGER: I wasn't present,
23 but according to the information, I have no

1 problem with the change proportionately.

2 Thank you.

3 CHAIRPERSON GRONACHAN: Okay.

4 Thank you. Anyone else? Seeing none,
5 motion.

6 MR. FERRELL: Motion.

7 CHAIRPERSON GRONACHAN: Go
8 ahead, Member Ferrell.

9 MR. FERRELL: I move that we
10 grant the variance in Case No. PZ16-0058,
11 sought by Sign Works for the two additional
12 signs at the size that we had already
13 approved at a prior meeting for the 12 and 14
14 and a half foot size.

15 I had a question real quick --
16 I apologize -- for the City Attorney.

17 Do we need to go over the
18 whole entire motion? I mean, we are really
19 basically approving the --

20 MS. SAARELA: You should restate
21 the motion for the new -- it is
22 technically --

23 MR. FERRELL: I don't have the

1 information.

2 MS. SAARELA: We don't have the
3 minutes from that meeting.

4 CHAIRPERSON GRONACHAN: We have
5 the minutes from December, they are in
6 tonight's packet.

7 MR. FERRELL: It would take a
8 few minutes to read it.

9 MS. SAARELA: If you want to
10 pass on it for a minute and take a look at
11 the old motion and look at the reasons. We
12 can take a minute to do that.

13 (A pause was had in the proceedings.)

14 MR. FERRELL: Okay. Do you
15 mind, kind of quickly going over what you
16 went over last time. You don't have to be as
17 detailed. I apologize. I wasn't here at the
18 meeting.

19 MS. FRASS: I do recognize some
20 new faces tonight, too, and was wondering.

21 Unfortunately, you missed the
22 benefit that they had of when we hung the
23 banner, so you could drive by and actually

1 see it.

2 MR. FERRELL: You want to do
3 that real quick?

4 MS. FRASS: Is this working
5 tonight? Is this upside down?

6 Our request was for the
7 installation of two illuminated flex based
8 cabinets for Comau Industries. I have some
9 boards up there and then I have these
10 drawings on the end. I have this one right
11 here. These were to give you simulation.
12 Those banners were hung for that December
13 meeting. I remember us talking about how
14 snowy and cold it was, but you could still
15 see them from the highway.

16 Comau Industries has been
17 growing and expanding in the Detroit area.
18 They have a branded logo and they like to
19 keep a consistent appearance with all of
20 their different locations, with their
21 signage.

22 And in keeping with this
23 uniformity, we are adding exterior signage

1 along highway 96 to increase the visibility
2 of this location.

3 This site has quite a large
4 footprint. They have three buildings that
5 encompass over 500,000 square feet. The Novi
6 Industries building here is 380,320 square
7 feet, 855 lineal feet along this elevation,
8 which is nearly 3/16th of a mile, and if you
9 have driven on 96, this building just feels
10 like it just goes on and on. That one is
11 just short of quarter of a mile long.

12 They also have the auto
13 technology building and then there is a
14 quality technical center.

15 So at that meeting we had
16 requested two signs, due to the vast nature
17 of this footprint, each sign being 12 by 14
18 and a half feet for visibility. Because
19 their building faces both the north and the
20 east elevations, we had requested two, so
21 that it would be visible for both directions
22 of vehicular traffic. Otherwise only one
23 direction would be able to see it.

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So as you can see, Comau Industries has a large area in the City of Novi with substantial employment opportunities and we are increasing the visibility at this location currently. All they have is the standard monument -- standard size monument all sign along Grand River.

At that meeting, we requested size and quantity variances and we were granted that by the board at that time.

Do you have any questions?

MR. FERRELL: No, thank you. I appreciate that.

I think I am good. So I move that we grant the variance in Case No. PZ16-0058, sought by Sign Works, for the additional signs that were previously approved for the 12-foot by 14 and a half foot, but were advertised for ten foot 12-foot.

Without the variance, the petitioner will be unreasonably limited with

1 respect to use of the property due to the
2 uniqueness of the property and location of
3 it, facing I-96.

4 The property is unique because
5 it does face I-96 and the length of the
6 building is why the two signs were requested.

7 Petitioner did not create the
8 condition. The relief granted will not
9 unreasonably interfere with adjacent or
10 surrounding properties, and the relief is
11 consistent with the spirit and intent of the
12 ordinance.

13 MS. KRIEGER: Second.

14 CHAIRPERSON GRONACHAN: It's
15 been moved and seconded. Is there any
16 further discussion on the motion?

17 Seeing none, Monica, will you
18 please call the roll.

19 MS. DRESLINSKI: Member Byrwa?

20 MR. BYRWA: Yes.

21 MS. DRESLINSKI: Member Ferrell?

22 MR. FERRELL: Yes.

23 MS. DRESLINSKI: Member Krieger?

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MS. KRIEGER: Yes.

MS. DRESLINSKI: Member Nafso?

MR. NAFSO: Yes.

MS. DRESLINSKI: Chairperson

Gronachan?

CHAIRPERSON GRONACHAN: Yes.

MS. DRESLINSKI: Motion passes
five to zero.

CHAIRPERSON GRONACHAN: Great
seeing you again. Congratulations again.
And I don't want to see you here next month.

MS. FRASS: Thank you very much.

CHAIRPERSON GRONACHAN: Thank
you. Good luck.

Case No. 2 is tabled.

So our next case is PZ16-0064,
Dan Dempsey.

Petitioner is present coming
on down to set up. The petitioner is
requesting a variance to allow the
installation of an oversize accessory
building in the front yard.

Good evening and you are?

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MR. DEMPSEY: Dan Dempsey.

CHAIRPERSON GRONACHAN:

Mr. Dempsey, would you please spell your last name for the recording secretary.

MR. DEMPSEY: D-e-m-p-s-e-y.

CHAIRPERSON GRONACHAN: Would you raise your right hand to be sworn in.

Do you swear or affirm to tell the truth in the matter before you?

MR. DEMPSEY: I do.

CHAIRPERSON GRONACHAN: You may proceed.

MR. DEMPSEY: Mine is pretty simple.

I have a garage, which was actually a horse barn on the property. I have got an acre of land on Nine Mile. And the horse barn had a caved-in roof, it was time to knock it down. And my in-laws, 89 and 86 were going to move into the house, but they wanted a garage, so my wife and I agreed to build one.

1 And we went and bought a plan
2 at Menards and presented it for permit and
3 found out it was bigger than the horse barn,
4 therefore we got a problem.

5 It's not in the front yard,
6 even though from an address point of view it
7 is because our property is on Nine Mile, even
8 though it faces east on a private drive, all
9 the houses on the private drive face each
10 other. And so actually faces east. So it is
11 actually where the garage was originally and
12 where the driveway is.

13 So basically what I am asking
14 for is a variance to build a bigger garage
15 where the horse barn was, that actually you
16 couldn't park a car in.

17 CHAIRPERSON GRONACHAN: Do you
18 have some pictures to show?

19 MR. DEMPSEY: I supplied
20 everything.

21 CHAIRPERSON GRONACHAN: You
22 don't have anything with you.

23 MR. DEMPSEY: I gave 14 copies.

1 Mr. Butler, you have them all, correct?

2 CHAIRPERSON GRONACHAN: We did.

3 MR. DEMPSEY: Oh, do I put it up
4 here, you mean?

5 CHAIRPERSON GRONACHAN: Yes.

6 MR. DEMPSEY: Let me see what I
7 have got. This is the drawing. So Nine
8 Mile, as you can see where it says Nine Mile
9 on the right, the garage is where the
10 original garage was.

11 Now, the city had the drawing
12 wrong, the horse barn is actually 18 by 33,
13 but they had it as 20 by 30 that detached
14 garage drawing there is actually what the
15 city had on file for the original house. And
16 then what I have done, is I have added onto
17 what the size of the garage would be that
18 will be replacing it.

19 So you actually couldn't park
20 a car in there originally. So it had a
21 sliding barn door that when closed it was too
22 small to put a car in.

23 We have to go wider, wider

1 with the footings west and north, but other
2 than that, there is no change to the look and
3 feel. It's an acre property, Nine Mile, over
4 65 feet from the curb, so we have got plenty
5 of setback.

6 And it's all trees along Nine
7 Mile, you can't even see it from the road.
8 The picture that I provided, I assume you
9 guys all have them, shows a view from Nine
10 Mile, all you can see as much as you can, you
11 can't even see it. I had all the neighbors
12 sign an approval and submitted that, too. We
13 are only surrounded by four houses, but --

14 CHAIRPERSON GRONACHAN: Okay.

15 MR. DEMPSEY: There is no other
16 place to put it, the reality is that, you
17 know, at first they thought I was actually
18 trying to put it in the front yard, but if
19 you look to the front of the house, which is
20 where it says well -- so the front of the
21 house is my -- well, on the back of yard is a
22 septic field, and on this side is another
23 house. I am right along the driveway on that

1 side.

2 So really is no other place to
3 put the garage but where the original garage
4 was. So all we are asking to put another
5 garage there.

6 CHAIRPERSON GRONACHAN: Good
7 job. Is there anyone in the audience that
8 wishes to make a comment tonight on this
9 case? Seeing none, correspondence?

10 MR. NAFSO: Absolutely. There
11 were 18 letters mailed, zero letters
12 returned, one approval and no objections.

13 The approval letter states,
14 "this is a much needed improvement to our
15 neighborhood, the barn which the new
16 structure replaces was built in the 1950s",
17 and that's in the name of Patrick A. Kennedy,
18 dated February 9, 2017.

19 CHAIRPERSON GRONACHAN: Building
20 department, any comment?

21 MR. BUTLER: No comments.

22 CHAIRPERSON GRONACHAN: All
23 right. Board members? Member Byrwa.

1 MR. BYRWA: Yes, the garage
2 here, it's pretty much going to be for
3 vehicle storage or --

4 MR. DEMPSEY: Actually both. My
5 in-laws are downsizing from a bigger house,
6 so that's why we are building a bigger
7 garage, two cars, then it would have a little
8 storage room for them because the house is
9 only 1,300 square feet, not enough storage.

10 MR. BYRWA: Thank you.

11 MR. DEMPSEY: Just a garage.
12 That's all it is.

13 CHAIRPERSON GRONACHAN: Okay.
14 Anyone else?

15 I have some questions. I
16 wanted clarification. In our packet, there
17 was a drawing of a -- is that the Menards
18 drawing, it shows two story.

19 MR. DEMPSEY: It's actually got
20 a loft up top. I got bullied into that. My
21 father-in-law smokes cigars, so he wanted to
22 be able to go up there and smoke cigars,
23 that's what his dream is. That's the only

1 reason it's there. Other than that, not
2 going to be anyone living there.

3 CHAIRPERSON GRONACHAN: So the
4 upstairs is going to be finished or it's just
5 like --

6 MR. DEMPSEY: It has a flooring,
7 you walk up, it's like an attic.

8 CHAIRPERSON GRONACHAN: There is
9 not going to be any additional changes to
10 that or not living space or anything like
11 that?

12 MR. DEMPSEY: Not at all.

13 CHAIRPERSON GRONACHAN: All
14 right. That's the only question I have.
15 Anyone else?

16 I would like to entertain a
17 motion. Member Krieger.

18 MS. KRIEGER: I move that we
19 grant the variance in Case No. PZ16-0064 for
20 Dan Dempsey, 43641 Nine Mile Road sought by
21 the petitioner. He has shown a practical
22 difficulty that the address is on Nine Mile,
23 but house faces a side road, which faces

1 east. So the garage that will be placed will
2 be misunderstood by someone just passing by
3 on Nine Mile.

4 Without the variance,
5 petitioner will be unreasonably prevented and
6 limited with respect to the use of the
7 property as he stated, that it used to be a
8 horse barn and it's not enough for two
9 vehicles.

10 And the property is unique
11 because of its placement on the side road
12 with the Nine Mile address.

13 And therefore, the petitioner
14 did not create the condition. The relief
15 will not unreasonably interfere with adjacent
16 or surrounding properties, due to neighbors
17 sending in the petition, their agreement with
18 this, and the relief was consistent with the
19 spirit and intent of the ordinance.

20 MR. FERRELL: Second.

21 CHAIRPERSON GRONACHAN: It's
22 been moved and second. Any other further
23 discussion?

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Seeing none, Monica, would you please call the roll.

MS. DRESLINSKI: Member Byrwa?

MR. BYRWA: Yes.

MS. DRESLINSKI: Member Ferrell?

MR. FERRELL: Yes.

MS. DRESLINSKI: Member Krieger?

MS. KRIEGER: Yes.

MS. DRESLINSKI: Member Nafso?

MR. NAFSO: Yes.

MS. DRESLINSKI: Chairperson Gronachan?

CHAIRPERSON GRONACHAN: Yes.

MS. DRESLINSKI: Motion passes five to zero.

CHAIRPERSON GRONACHAN: Your variance has been granted. Good luck to you. Be in touch with the building department.

Okay. Our next case is PZ17-0001, for 4 Tech Signs, 46077 Grand River.

The applicant is requesting a variance for the City of Novi to allow a

1 non-conforming ground pole sign to be used
2 for changeable copy.

3 Good evening. Are you both
4 going to give testimony this evening?

5 MR. SIMON: Yes.

6 CHAIRPERSON GRONACHAN: Would
7 you please both come to the podium so you can
8 state your names for our recording secretary.

9 MR. SIMON: I am Adam Simon,
10 S-i-m-o-n, from 4 Tech Signs.

11 MR. ISSA: I am Said, S-a-i-d,
12 last name Issa, I-s-s-a, owner of the
13 property.

14 CHAIRPERSON GRONACHAN:

15 Gentlemen, can you raise your
16 right hand to be sworn in.

17 Do you swear or affirm that
18 the information you are about to give in the
19 matter before you is the truth?

20 MR. SIMON: I do.

21 MR. ISSA: I do.

22 CHAIRPERSON GRONACHAN: You may
23 proceed.

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MR. SIMON: So I did not
finalize the copy. I am just the applicant
on this one, so I do not know which drawing
you have, so I came up with multiple drawings
depending on what would suffice for approval.

CHAIRPERSON GRONACHAN: Variety
is always good.

MR. SIMON: Our submission at
first was a couple different submissions we
have been working on for the past six to
eight months.

We have -- what we are looking
at trying -- this is what we are looking at
trying to do, if you see up here the detail,
would be to create a brand new frame with a
three by six LED message board.

Initially we were going to try
and go with what the city would allow for a
monument.

But obviously the 3-foot from
the right-of-way, this is what we assumed was
the right-of-way considering every other city
I have worked with it's usually three foot

1 from the sidewalk area.

2 But come to find out, this
3 special property, I don't know if you can see
4 that, where the line where it says 139.94,
5 that area right there would bring the
6 monument sign about 25 foot deep into the
7 middle of the parking lot. And since there
8 is no possible way to grant a variance from
9 the county, we were told by Jeannie to go
10 ahead and try and do something along these
11 lines with the non-conforming sign there.
12 Mostly because it's like 22 feet in the air,
13 and by the time people realize where they are
14 trying to go, they have already passed it.

15 CHAIRPERSON GRONACHAN: I need
16 to stop you right there because we have a
17 different sign in our packet.

18 MR. SIMON: I have lots of
19 different --

20 CHAIRPERSON GRONACHAN: Which
21 was the sign that was advertised?

22 MR. SIMON: Let's see. The
23 packet you have would be -- I brought a bunch

1 of copies. I didn't know if they created
2 copies for you.

3 CHAIRPERSON GRONACHAN: We have
4 copies.

5 MR. SIMON: I believe this is
6 the one that they went with. Since then we
7 filed for it, I don't know, maybe like a week
8 after the last meeting, so we got in a little
9 too late, since then they were trying to see
10 if it were possible while we were at the
11 meeting do suggest another option to install
12 the LED on there. Obviously if we got
13 approved for this one, we would be happy to
14 go with this one as well.

15 CHAIRPERSON GRONACHAN: Okay.
16 The problem with changing anything at this
17 point is about the advertisement of the case
18 and how it's presented to the area neighbors,
19 so if there is something that you would like
20 better than this, we can table it for next
21 month and we can readvertise if there is
22 something that you can -- that you like
23 better than what you were going to present to

1 us tonight, or go for it tonight and see what
2 happens.

3 MR. ISSA: I'd like to go for it
4 tonight and possibly see if we can do any
5 adjustments, maybe come back another --

6 CHAIRPERSON GRONACHAN: I am
7 leary on the adjustments, but we have to hear
8 what you have.

9 Because again whatever -- if
10 it's more than what we advertise, we can't
11 really change it. It's other than what we
12 advertised.

13 MR. SIMON: I saw the first
14 motion come back because of the size change.

15 CHAIRPERSON GRONACHAN: Okay.
16 So can you help us out and explain what's
17 going on in this picture?

18 MR. SIMON: This is a before and
19 after picture using the same space to present
20 a digital sign in there to attract attention
21 to the business. Also with staying within
22 reason of the sign ordinance, LED signs.

23 CHAIRPERSON GRONACHAN: Okay.

1 Is there anything else?

2 MR. SIMON: Do you have anything
3 to add?

4 MR. ISSA: Yes. As Adam
5 mentioned, one of the main reasons we are
6 seeking a sign that would, you know, grab the
7 driver's attention or drivers that are
8 passing by is so that you could recognize
9 that there is a business there.

10 As you know, the building kind
11 of is low, sets back down and it's like at
12 the bottom of a little bit of a cliff because
13 the light is red at the peak where the expo
14 center is. So our building kind of lies a
15 little below a peak, and as you're driving
16 towards -- I guess it would be going -- you
17 go from Beck to the right onto Grand River.

18 So you are heading west, as
19 you are driving, you barely even see that
20 sign because it's so high, you have trees
21 that are blocking it, and you don't see the
22 building. So by the time you know, you have
23 passed it.

1 In fact, I have had employees
2 that have started working for us, that have
3 missed the location a couple of times. So
4 that really kind of emphasizes the
5 significance of a need for some kind of sign
6 that would, you know, let people know where
7 the location of Amos is (ph).

8 Amos is actually a family
9 business that was started in Ann Arbor. This
10 is our eighth location. And we've been very
11 successful in Ann Arbor, Ypsilanti. We have
12 gone into Brighton and, you know, we actually
13 started the first location in Novi within the
14 Twelve Oaks Mall, but we wanted to be out
15 closer into the community, that's why we
16 chose this location. But one of the major
17 issues that we are really struggling with,
18 actually business-wise has been done
19 devastating. Our business is practically on
20 the verge of basically collapse. Because it
21 does not have that kind of appropriate
22 signage.

23 This signage would be

1 definitely a start, but that other sign that
2 we obviously didn't advertise for and may
3 consider coming back for is it allows to be a
4 little lower that when somebody is driving,
5 they can see some kind of signage because
6 again, Grand River kind of goes -- it's not
7 flat, it kind of goes up and down and as
8 you're driving, you're kind of going up,
9 shooting up in the air, branches and trees
10 are blocking up there. Only thing you see is
11 a part of a post, as you're coming down you
12 are just flying by and you're not seeing it.

13 Our signage is a real major
14 issue for our business existence.

15 CHAIRPERSON GRONACHAN: Is there
16 anything else you would like to add?

17 MR. ISSA: No, unless you have
18 any questions.

19 CHAIRPERSON GRONACHAN: Is there
20 anyone in the audience that wishes to make
21 comment on this case? Seeing none,
22 correspondence.

23 MR. NAFSO: Seventeen letters

1 were mailed, two letters were returned, zero
2 approvals, zero objections.

3 CHAIRPERSON GRONACHAN: Thank
4 you. Building department.

5 MR. BUTLER: Just quickly
6 speaking, due to there is a non-conforming
7 sign, there is not a whole lot that he can do
8 in that area, that's probably the best that
9 we can see that he could probably do it.
10 Normally for a non-conforming sign, we
11 normally don't even approve non-conforming
12 signs to be changed out. Because they are
13 considered non-conforming signs.

14 CHAIRPERSON GRONACHAN: For
15 clarification purposes, you're saying the
16 particular sign that's on this site now is
17 non-conforming?

18 MR. BUTLER: Yes.

19 CHAIRPERSON GRONACHAN: Anything
20 else? Thank you. Board members? Member
21 Krieger.

22 MS. KRIEGER: Can the -- I don't
23 know which -- who to ask, if the pole sign

1 can be shrunk to 15 feet.

2 MR. ISSA: We would love that.

3 MR. SIMON: Usually -- I mean,
4 you can't -- like he said, considering it's a
5 non-conforming sign it's almost like
6 something that's grandfathered in. Like if I
7 wanted to build this sign right now, they
8 would say like our first one that I was
9 trying to show you, because of the
10 right-of-way, they won't allow a monument
11 sign there per the county road commission.

12 MS. KRIEGER: So it involves the
13 county?

14 MR. SIMON: Well, per Novi, they
15 allow you to do a monument, but because of
16 the uniqueness of the property and how it is,
17 it would have to be pushed to the middle of
18 the parking lot.

19 CHAIRPERSON GRONACHAN: I'm
20 sorry. Member Krieger is asking if this
21 particular sign could just be lowered.

22 MR. ISSA: If that was something
23 that you granted, we will love that because

1 it would be exactly what we would need for
2 that exposure, it's not so high up that it's
3 blocked by the trees that you're only seeing
4 the pole, so you bringing it down so that you
5 are more in the visibility of the drivers,
6 that would be an excellent suggestion and
7 obviously we would --

8 MS. KRIEGER: Can the city do
9 that with the county?

10 MS. SAARELA: That wouldn't
11 really impact the county. I think what we
12 are talking about in decreasing the height is
13 just changing the non-conformity, so we
14 probably would have to readvertise that just
15 so we can see what the change in the
16 non-conformity would be.

17 MS. KRIEGER: The purpose --
18 you're right across the street from the
19 Suburban Showplace. I'm surprised because I
20 think it would be more popular just run
21 across the street.

22 MR. ISSA: That's exactly it,
23 but the building is set so far back, low

1 lying, and that you have other buildings
2 that's in front of it there, and then the
3 light there, it's like you pass by us, as if
4 it doesn't exist.

5 MS. KRIEGER: I noticed when I
6 was driving that it's easier to see you
7 coming west to east than east to west.

8 MR. ISSA: We are very much
9 struggling with the business because of that
10 more exposure.

11 MS. KRIEGER: With the LED
12 changeable sign, your intent is to -- what
13 would you -- like an example want to put up
14 there?

15 MR. ISSA: Like for our
16 customers, whether we are doing a lunch
17 special, particular new menu, that we would
18 have on there, particular type of feature
19 sandwich that we would have. Maybe have a
20 picture of -- you know, consistent with what
21 we have done with our signages, at the other
22 locations.

23 MS. KRIEGER: Thank you.

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CHAIRPERSON GRONACHAN: Anyone

else?

I am going to jump in. My suggestion -- then I am not saying this for anything but to help you guys out a little bit. I think you should table it. I think you should bring the lower sign back.

This is -- and if the other board members agree with me, if you have been out to the site you blend in with the road real well. That's the biggest problem. That sign being as high as it is, I don't know that that LED at that height is going to help any. Bringing it down a little bit might be your solution. And we can't change that tonight, it would have to be readvertised. So I would like to see that. We want to see all the businesses succeed in Novi.

And I think that you have got this much time and effort into it, 30 more days is not going to hurt. I think it might help you hit it out of the park. That's my recommendation.

1 And if there is other members
2 that would be in support of tabling this for
3 next month, if the petitioner is --

4 MR. SIMON: Before you go ahead
5 and make that motion, is the LED still going
6 to be involved with the lowering as well?

7 CHAIRPERSON GRONACHAN: It would
8 have to be because it's part of the -- it's
9 got to be the whole package.

10 MR. SIMON: Okay.

11 CHAIRPERSON GRONACHAN: Whatever
12 the sign is -- whatever you finally decide on
13 what the sign is, plus the lowering of it,
14 what you bring to us, that's what's going to
15 be advertised, that's what we would be
16 looking at. So it's to be your best --

17 MR. ISSA: Do you think before
18 you make your motion or table or whatnot,
19 that we should -- that this would be the most
20 easiest to be approved?

21 CHAIRPERSON GRONACHAN: I can't
22 comment on that.

23 MR. ISSA: The other question

1 that I would like to ask, can we advertise
2 both the possibility of putting something
3 like this (ind)?

4 CHAIRPERSON GRONACHAN: It's got
5 to be one or the other.

6 MR. ISSA: Having something like
7 this with the LED out of the box, just
8 maintaining the box and bringing it down?

9 CHAIRPERSON GRONACHAN: It's
10 whatever the final draft is, that's what you
11 got to advertise for. We can't have multiple
12 choice.

13 MR. ISSA: I did kind of hear
14 that choice was nice, so --

15 MS. SAARELA: What you could do
16 is advertise for the proposal that requires
17 the most variance and in the event that the
18 ZBA is considering scaling back from whatever
19 your large variance request is, they can dial
20 it back to make it a more minimal variance.

21 MR. SIMON: With the conditions
22 that we make it's only a certain square
23 footage or something.

1 MS. SAARELA: Like if you wanted
2 to advertise for the one with the sort of two
3 signs there, the ZBA at that time thought,
4 no, you just want it on the one, they could
5 dial it back to something smaller. We just
6 can't make it a bigger or, you know, more
7 impactful in the non-conformity.

8 CHAIRPERSON GRONACHAN: Does
9 that sound like a workable plan for you?

10 MR. ISSA: I first want to thank
11 you so much for your support. I actually
12 feel that you're inviting and welcoming to
13 the community, so our goal is actually to
14 have two or three locations, you know, with
15 the community members here and it's really a
16 community based type deli.

17 So I appreciate your openness
18 to this and we look forward to coming back
19 next month.

20 MS. DRESLINSKI: Just so you
21 guys know, if you readvertise, you have to
22 reapply and repay the fee.

23 MR. SIMON: If we do it

1 immediately --

2 MS. DRESLINSKI: We can get you
3 on March, but you will have to repay that fee
4 that you guys first paid the first time.

5 CHAIRPERSON GRONACHAN: I am not
6 in charge of the discounts, but before you go
7 anywhere, we still have to make it official.

8 So all those in favor of
9 tabling Case No. PZ17-0001, to March of 2017
10 say aye.

11 THE BOARD: Aye.

12 CHAIRPERSON GRONACHAN: We are
13 all in favor so the case will be tabled until
14 next month. We will see you then.

15 MR. SIMON: Thank you very much.

16 MR. FERRELL: Hang on. I had a
17 question real quick before we do that.

18 It's for the city attorney.
19 If they were to lower the sign even like a
20 foot, that's still required?

21 MS. SAARELA: The thing is, it's
22 a non-conforming sign, whether lowering it
23 would increase the non-conformity, I don't

1 know if there is a definition of lowering it,
2 is that going to be more of an impact on the
3 surroundings, I don't know. I guess we would
4 have to look at that and see if it -- what
5 they are proposing creates more of a
6 non-conformity.

7 MR. FERRELL: I wish we could
8 have got it done tonight, instead of them
9 paying another fee for it.

10 MS. SAARELA: I don't know
11 because we don't see it. We don't know what
12 the lowering, how that would impact and
13 change the non-conformity.

14 MR. FERRELL: Not changing like
15 the sign, just the height of it.

16 MS. SAARELA: If there is a
17 consensus that that decreased the
18 non-conformity, I think you could have
19 approved that. But you would have to come to
20 that consensus that lowering it would
21 decrease the non-conformity, then that's less
22 of a variance.

23 MR. FERRELL: Would that be a

1 discussion for the board?

2 MS. SAARELA: I think that would
3 be a discussion for the board.

4 MR. FERRELL: We could do that?

5 MS. SAARELA: You could. If you
6 conclude that the facts show that that's a
7 lesser variance, you could grant that lesser
8 variance.

9 CHAIRPERSON GRONACHAN: I am
10 confused. The building department --

11 MS. SAARELA: That would just be
12 lowering, not adding that is secondary --
13 that's a bigger sign, that increases the
14 non-conformity.

15 If you are talking just
16 lowering it, that may be a decrease, you may
17 discuss those facts among you, but if you're
18 talking lowering and adding additional
19 signage underneath, that's a bigger sign
20 face.

21 MR. FERRELL: Well, not leaving
22 the sign face the same, because that's one of
23 the options --

1 MS. SAARELA: Right. Leaving
2 the sign face the same, you could conclude
3 that factually that's a lesser variance.

4 MR. FERRELL: But like the one
5 with the LED sign that's built into the sign,
6 it doesn't change the size, right?

7 MS. SAARELA: Correct.

8 MR. FERRELL: I mean, I am just
9 trying to save the petitioner from spending
10 extra time and money.

11 MR. SIMON: We have been working
12 on it -- I think we built the first sign in
13 April of last year, so, it's been -- another
14 month --

15 MR. FERRELL: My question is, is
16 this something the board wants to discuss. I
17 mean, I am not opposed to it.

18 CHAIRPERSON GRONACHAN: I am
19 confused because when I looked over here, the
20 building department said he's non-conforming
21 and will need to readvertise, so that was
22 where I took my lead from.

23 So if we don't have to

1 readvertise, and we can have a discussion and
2 we can lower the sign, then I am in favor.

3 But based on what I thought I
4 understood, we had to readvertise.

5 MR. BYRWA: If we agree that
6 lowering is not increasing the
7 non-conformity.

8 CHAIRPERSON GRONACHAN: It's up
9 to you guys.

10 MS. SAARELA: You need move to
11 reconsider your last vote first.

12 CHAIRPERSON GRONACHAN: We have
13 to make a motion to reconsider. Do that
14 first.

15 MR. FERRELL: So I move that we
16 reconsider the -- I move that we reconsider
17 tabling Case. No. PZ17-0001 for further
18 discussion to determine if lowering the sign
19 does not increase the non-conformity.

20 CHAIRPERSON GRONACHAN: Is there
21 a second?

22 MR. NAFSO: Second.

23 CHAIRPERSON GRONACHAN: It's

1 been moved and seconded. Monica, please call
2 the roll.

3 MS. DRESLINSKI: Member Byrwa?

4 MR. BYRWA: Yes.

5 MS. DRESLINSKI: Member Ferrell?

6 MR. FERRELL: Yes.

7 MS. DRESLINSKI: Member Krieger?

8 MS. KRIEGER: Sure.

9 MS. DRESLINSKI: Member Nafso?

10 MR. NAFSO: Yes.

11 MS. DRESLINSKI: Chairperson

12 Gronachan?

13 CHAIRPERSON GRONACHAN: Yes.

14 MS. DRESLINSKI: Motion passes
15 five to zero.

16 CHAIRPERSON GRONACHAN: Okay.

17 So gentlemen, don't leave yet.

18 Let's have a discussion now.

19 MR. FERRELL: I got a question
20 for them, Madam Chair.

21 CHAIRPERSON GRONACHAN: Member
22 Ferrell, please proceed.

23 MR. FERRELL: Do you guys want

1 us to do this? I guess we should have asked
2 that prior to the motion.

3 MR. SIMON: If you would approve
4 our motion with the condition that we lower
5 the sign.

6 MR. ISSA: To 15 feet.

7 MR. SIMON: We can accept
8 whatever height you think Mr. Lawrence Butler
9 will allow to --

10 MR. FERRELL: The sign that you
11 want is the one that's the same size or just
12 LED -- can you put it back on there so we
13 could see that?

14 MR. ISSA: It's there.

15 MR. FERRELL: The one on the
16 right?

17 MR. ISSA: The one on the right
18 allowing us to bring it down to 12 to 15 feet
19 from the -- definitely as Council Member
20 Krieger mentioned would allow greater
21 visibilty as you are driving down the street.

22 CHAIRPERSON GRONACHAN: What
23 would the new measurement from the ground,

1 would you please --

2 MR. SIMON: As of right now, we
3 are at 17 feet with the two or four inches,
4 so if we lost five feet on that, we would be
5 at 12 feet.

6 MR. ISSA: It's got to be at
7 least a 10 foot clearance.

8 MR. SIMON: It would be 12 feet
9 from the bottom to the grade.

10 MR. ISSA: Can we go down ten if
11 the building department --

12 MR. SIMON: Mr. Butler, what's
13 your clearance in the city?

14 MR. BUTLER: I don't have that
15 right at hand, but I believe it's going to be
16 10 feet.

17 MR. SIMON: We would ask that it
18 would be cut down seven feet for a 10-foot
19 clearance.

20 CHAIRPERSON GRONACHAN: Again
21 for clarification, so the only thing at this
22 point that we would be doing is reducing the
23 height from 204 inches to 10 feet, the size

1 of the sign and the LED would be within the
2 sign. The sign would be 48 inches in width
3 and 112 inches in length.

4 MR. SIMON: Same as the
5 existing.

6 CHAIRPERSON GRONACHAN: Exactly
7 what we are doing but just lowering it.

8 MR. SIMON: Correct.

9 CHAIRPERSON GRONACHAN: I have
10 no problem with that whatsoever. If there is
11 no further discussion or --

12 MR. BYRWA: Just to clarify,
13 that measurement would be to the bottom edge
14 of the sign.

15 MR. SIMON: Bottom edge to the
16 grade, correct.

17 MS. SAARELA: We just make a
18 finding to that. You think that that is --
19 that decrease is the non-infirmary and why.

20 CHAIRPERSON GRONACHAN: I do
21 believe it decreases the non-conformity
22 because I believe that the current sign does
23 not serve the location and the petitioner has

1 so approved that their business has decreased
2 dramatically, that it does not serve a proper
3 identification for the business.

4 I am in support of this
5 because it brings it into the norm and to eye
6 level.

7 Nobody is driving like this,
8 to look at the sign, when you're driving
9 especially down Grand River, given the safety
10 issues at hand, and as busy as Grand River is
11 and the change in speed limits in that area,
12 because you are doing 45, I think, and you're
13 coming down 40 or might be 55 down to 40, and
14 I think that this is growing and changing
15 area, and I think in order to help this
16 business succeed, that the request given made
17 by the petitioner is minimal and reduces a
18 negative impact on the surrounding areas, and
19 helps identify this business better within
20 the confines and non-conforming lot that is
21 there. Does that cover it?

22 MS. SAARELA: Sure.

23 MS. KRIEGER: The pole, would it

1 need a skirting or post where it's in the
2 ground?

3 MR. SIMON: If you would allow
4 us a skirting, that would definitely make it
5 a better looking sign.

6 MR. ISSA: I was actually hoping
7 we would have that in our drawing instead of
8 having just a pole standing like an eyesore
9 is that we have it skirted. Consistent with
10 the sign, just skirt it down.

11 MR. SIMON: We could put that
12 with an aluminum covering.

13 MS. SAARELA: I think you're
14 making too many changes now. I don't know
15 how that would impact the non-conformity.
16 That is going to be a factual finding, you
17 would have to see it.

18 MR. SIMON: Can I make one
19 comment regarding that.

20 The skirt is basically
21 practically maybe just four inches on each
22 side of the post, so that it would just look
23 more consistent with -- if you look at the

1 expo center, it's all skirted type of
2 signage.

3 CHAIRPERSON GRONACHAN: Again,
4 to the point of the city attorney, now we are
5 changing everything. We either go with
6 what's in front of us, or we are going to
7 table and --

8 MR. SIMON: Let's go --

9 MR. ISSA: We will go with it
10 and we can always come back.

11 CHAIRPERSON GRONACHAN: If you
12 change something, we have got to go down
13 another wrong road.

14 MR. SIMON: That's fine.

15 CHAIRPERSON GRONACHAN: Any
16 further discussion? All right. Anybody want
17 to try a motion?

18 MR. FERRELL: Sure.

19 CHAIRPERSON GRONACHAN: Member
20 Ferrell.

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

23 I move that we grant the

1 variance in Case No. PZ17-0001, sought by the
2 petitioner, for LED message board added to
3 the sign to not increase the sign size, but
4 to add it to the portion of the sign.

5 Without the variance, the
6 petitioner will be unreasonably prevented or
7 limited with respect to the use of the
8 property, due the angle of the property
9 having to put the sign, as the petitioner
10 stated, 25 feet back from the right-of-way,
11 per the county guidelines.

12 The property is unique due to
13 the angle of the roadway and the setback of
14 the building, inhibiting visibility of the
15 sign. The petitioner did not create the
16 condition, due to the building, preexisting
17 property.

18 The sign is a non-conforming
19 sign, it is not appropriate for the building
20 location. Lowering the sign from 17 feet to
21 10-foot, bottom edge would not increase the
22 non-conforming sign. I'm not sure what to
23 say for that part. City attorney?

1 MS. SAARELA: Not increase the
2 non-conformity.

3 MR. FERRELL: Not increase the
4 non-conformity. Is there anything that I
5 missed?

6 Relief is consistent with the
7 spirit and intent of the ordinance.

8 MR. BYRWA: Second.

9 CHAIRPERSON GRONACHAN: Okay.
10 It's been moved and second. Any further
11 discussion?

12 Monica, would you please call
13 the roll.

14 MS. DRESLINSKI: Member Byrwa?

15 MR. BYRWA: Yes.

16 MS. DRESLINSKI: Member Ferrell?

17 MR. FERRELL: Yes.

18 MS. DRESLINSKI: Member Krieger?

19 MS. KRIEGER: Yes.

20 MS. DRESLINSKI: Member Nafso?

21 MR. NAFSO: Yes.

22 MS. DRESLINSKI: Chairperson
23 Gronachan?

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CHAIRPERSON GRONACHAN: Yes.

MS. DRESLINSKI: Motion passes
five to zero.

CHAIRPERSON GRONACHAN: Skated
by that one.

MR. FERRELL: I just didn't want
to see you guys come back.

CHAIRPERSON GRONACHAN:
Congratulations. And please
work with the building department.

MR. ISSA: Thank you.
Appreciate it.

CHAIRPERSON GRONACHAN: Okay.
Our next case is PZ17-0002, Lockard
Construction, north of Eleven Mile and east
of Town Center.

The applicant is requesting a
variance for the city ordinance to reduce the
required outdoor recreation play area.

The petitioner is here.

Good evening. Are you both
going to give testimony this evening?

MR. WHITHEAD: Yes.

1 CHAIRPERSON GRONACHAN: How many
2 people do we have?

3 MR. WHITEHEAD: We will have
4 three.

5 CHAIRPERSON GRONACHAN: If you
6 are all going to be giving testimony. Would
7 you please state your names and spell them
8 for our recording secretary and then I need
9 to swear all of you in.

10 MR. WHITEHEAD: Dustin Whitehead,
11 W-h-i-t-e-h-e-a-d.

12 MS. DAHLIN: Shiloh Dahlin,
13 S-h-i-l-o-h, D-a-h-l-i-n.

14 MS. ROOK: Jennifer Rook,
15 J-e-n-n-i-f-e-r, R-o-o-k.

16 CHAIRPERSON GRONACHAN: Would
17 you please all raise your right hand and be
18 sworn in.

19 Do you swear or affirm to tell
20 the truth in the matter before you?

21 MR. WHITEHEAD: Yes.

22 MS. DAHLIN: Yes.

23 MS. ROOK: Yes.

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CHAIRPERSON GRONACHAN: You may proceed.

MR. WHITE: Dustin Whitehead with Lockard Development, before you to request a reduction in the playground area for a proposed day-care facility behind Town Center off Town Center Drive.

Some of the reasons for the request, your code currently would require this 10,000 square feet facility to have a playground that would be 22,500 square feet.

Given that, the site, size that we currently have, which is about two acres, would not be large enough to accommodate basically 30,000 square feet of total area. Some of the things to point out, we can put a site plan up, is the right-of-way berm that's out front, the landscaping that we have included as well as parking.

Typically we when come into a market, we are seeking a site that's actually closer to an acre and a half to build a

1 10,000 square foot facility with about 5,000
2 to 8,500 square feet playground. That falls
3 more in line with what the state code would
4 require, as well as with the functionality of
5 the center. Jennifer can speak to the
6 operations of the center.

7 Based on state code, and the
8 site plan shows it as well, will be required
9 about a 7,200 square feet playground facility
10 which would accommodate 150 children.

11 And with that, I can turn it
12 over to Jennifer to talk about the
13 operations, but all 150 children would not be
14 out there at the same time, they would take
15 shifts to go out and play in between their
16 activities.

17 So with that, I will let
18 Jennifer speak to any, I guess, questions on
19 the operations for that.

20 MS. ROOK: Any questions?

21 CHAIRPERSON GRONACHAN: We are
22 not there yet. Do you have anymore
23 presentation?

1 MS. ROOK: No. I mean,
2 typically the children do not go out all at
3 the same time, it's one classroom at a time.
4 Typically no more than 20 to maybe 25 at the
5 very most at a time on the playground, so I
6 mean, they don't really need more than, you
7 know, what he said, 8,000, 7,000 square feet
8 at the time. A 22,000 square foot playground
9 is bigger than the building itself.

10 CHAIRPERSON GRONACHAN: Anything
11 else to add?

12 Is there anyone in the
13 audience that wishes to make comment on this
14 case?

15 Seeing none, is there any
16 correspondence?

17 MR. NAFSO: There were 19
18 letters mailed, four letters returned, zero
19 approvals, zero objections.

20 CHAIRPERSON GRONACHAN: Thank
21 you. Building department?

22 MR. BUTLER: No comments at this
23 time.

1 CHAIRPERSON GRONACHAN: Thank
2 you. Board members? Member Ferrell.

3 MR. FERRELL: Thank you, Madam
4 Chair. For the city, is there like state
5 laws or anything that would require more
6 square footage? I mean, I don't --

7 MS. SAARELA: I haven't
8 researched that issue. I would have to come
9 back to you with that. I don't know what the
10 state laws are impacting the day-care
11 facilities.

12 MR. WHITHEAD: I can speak to
13 that. The state code has a certain
14 requirement per child, and for -- the
15 facility is going to have about 150 children,
16 and under that requirement there would be
17 7,227 square feet that would meet the
18 requirement for the state.

19 MR. FERRELL: Thank you.

20 CHAIRPERSON GRONACHAN: Anyone
21 else? Nothing?

22 MS. KRIEGER: No.

23 CHAIRPERSON GRONACHAN: Give us

1 a little history about the Learning Center,
2 like ages, how many children total. Is it a
3 seven day a week operation, or just Monday
4 through Friday, that kind of history?

5 MS. ROOK: It's a Monday through
6 Friday operation 6:30 to 6:30. We offer
7 programs from about six weeks to six years
8 old. We have infants all the way through
9 roughly kindergarten, so we don't have any
10 school agers. We stop right before
11 kindergarten. We have programs throughout
12 the country. We started in Jersey and now
13 our home base is now in Florida. We have
14 corporate locations and we have franchise
15 locations all across the country, about 130
16 locations throughout the country, extending
17 probably over 200 in the next two years.

18 CHAIRPERSON GRONACHAN: How did
19 you come to this location at the Town Center?

20 MR. WHITE: The Learning
21 Experience actually had the site presented to
22 them and so it met a lot of the criteria that
23 they look at as far as size. It has to be

1 large enough to accommodate 10,000 square
2 foot center, plus the playground, plus
3 parking, pickup.

4 Some of the attributes that
5 play into this site is the access, you can
6 get in easily, it's near shopping, it's near
7 homes, it's on people's way to and from work.
8 All the things that -- I have a five and
9 three year-old, drop them off at day-care.
10 It's all those things, you know, those
11 parents want to have, quickly on their way to
12 wherever they're going, so that's how the
13 site came to be.

14 CHAIRPERSON GRONACHAN: So is it
15 the other requirements that cut down the play
16 area then? The screening and that sort of
17 thing, or was the lot just not big enough for
18 all of the requirements for this business?

19 MR. WHITHEAD: If we were to be
20 at the 22,000 square feet, yeah, the lot just
21 wouldn't be large enough.

22 As I said earlier, when we do
23 an initial search for this type of site, we

1 are usually in that one and a half acreage
2 range. And the reason is, that playground
3 size, we don't typically need a large
4 playground. We didn't get into -- we really
5 kind of had the site, you know, further
6 designed before we ran into the playground
7 size with your code.

8 CHAIRPERSON GRONACHAN: This
9 playground size, this is not state mandated
10 then? This variance is not going to
11 interfere with any state requirements?

12 MR. WHITEHEAD: No. If I am
13 understanding your question correctly, I
14 believe no. We could -- the size that we
15 have shown in the site plan meets the state
16 code.

17 CHAIRPERSON GRONACHAN: That's
18 what I wanted to clarify. Thank you.

19 Any other board members?
20 Member Krieger.

21 MS. KRIEGER: Can you repeat
22 what your hours of operation will be?

23 MS. ROOK: 6:30 a.m. to 6:30

1 p.m.

2 MS. KRIEGER: Monday through
3 Friday?

4 MS. ROOK: Monday through
5 Friday.

6 CHAIRPERSON GRONACHAN: I don't
7 think I have any problem with this request.
8 I think that the configuration -- first of
9 all, I think there is a need, and I think
10 that the configuration of this lot presents
11 the challenges. I don't think that there is
12 a need for as large of a playground based on
13 the petitioner's testimony.

14 So, I feel that this is a
15 minimum request, it meets the spirit of the
16 ordinance. If any of my board members can
17 concur or have anything else to offer?

18 MR. NAFSO: I have one question.
19 Sorry I missed this. Is there a maximum
20 number -- what would the maximum number of
21 children be that you could have out on the
22 playground, the size you are proposing?

23 MS. DAHLIN: I believe it's 48

1 that the -- if memory serves. I think it was
2 150 square feet per child.

3 MR. NAFSO: Your overall
4 business model with 150 kids supports having
5 that number of -- that maximum number of
6 children on the playground on any given time?

7 MS. ROOK: Yes, because you have
8 to go state ratios. So if there is a
9 young -- if like there is a two year-old out
10 on the playground, you have to go by the
11 youngest ratio, which is a one to four ratio.
12 You have to go by that ratio, you can't have
13 more than 12 children in a group size. You
14 also not only have ratios, but you have max
15 group sizes. You can't have more than 12
16 children out at the same time. And then the
17 playground split into two, so there will be
18 12 and 12, which is 24.

19 So you also have group sizes
20 and you have ratio sizes. You can't really
21 have them together during operating hours, so
22 you wouldn't have them out there.

23 MR. NAFSO: So the other

1 regulations requirement would actually
2 prevent from you having that number of
3 children out there anyway is what you're
4 saying?

5 MS. ROOK: Yes, on top of how
6 many square foot per child, you have ratio
7 size, you have group sizes and you have to go
8 by youngest ages, versus -- yes, you have all
9 different regulations with that as well.

10 MR. NAFSO: Thank you.

11 CHAIRPERSON GRONACHAN: Member
12 Krieger?

13 MS. KRIEGER: The reduced
14 outdoor recreation, do they have indoor
15 recreation? Like it's raining outside?

16 MS. ROOK: We have like a make
17 believe boulevard which is like an indoor
18 room for the older children, but we will have
19 like an indoor availability from them to have
20 large motor opportunities for them inside,
21 yes.

22 MS. KRIEGER: My area of
23 expertise is not with kids, so the request is

1 reducing the required outdoor recreation
2 area, and it sounds like from the -- what's
3 being explained, that it complies with the
4 state and the city and that there would be --
5 the area would be fenced in, properly
6 supervised children, the right amount of
7 proportion inside and outside. So
8 therefore -- and works for kids, it works for
9 their parents, so I don't have a difficulty
10 with this.

11 CHAIRPERSON GRONACHAN: Okay.

12 Thank you. I want a motion from someone,
13 please. Member Krieger. Was that a motion
14 or was that beginning one, or were you
15 practicing?

16 MS. KRIEGER: I move that we
17 grant the variance in Case No. PZ17-0002, for
18 Lockard Construction, to reduce the required
19 outdoor recreation play area, in the office
20 service area. The variance -- without the
21 variance petitioner will be unreasonably
22 prevented it from -- limited from using the
23 property, they will have the acceptable

1 outdoor play area and indoor play area for
2 the children and proper proportion and
3 supervision, and enclosure, and that the
4 property is unique because of its location,
5 but it's also -- in that uniqueness allows
6 for parents and children to have adequate
7 mobility in the city.

8 The petitioner did not create
9 the condition.

10 The relief will not
11 unreasonably interfere with adjacent or
12 surrounding properties, would add value to
13 especially for neighbors with parents and
14 children. The relief is consistent with the
15 spirit and intent of the ordinance for a well
16 balanced area.

17 MR. FERRELL: Second.

18 CHAIRPERSON GRONACHAN: It's
19 been moved --

20 MR. BYRWA: If I could add, that
21 the proposed play area would be a minimum of
22 7,227 square feet.

23 MS. KRIEGER: Yes.

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CHAIRPERSON GRONACHAN: Amended,
with a friendly amendment and then accepted.

Any further discussion?

Seeing none, Monica, would you
please call the roll.

MS. DRESLINSKI: Member Byrwa?

MR. BYRWA: Yes.

MS. DRESLINSKI: Member Ferrell?

MR. FERRELL: Yes.

MS. DRESLINSKI: Member Krieger?

MS. KRIEGER: Yes.

MS. DRESLINSKI: Member Nafso?

MR. NAFSO: Yes.

MS. DRESLINSKI: Chairperson
Gronachan?

CHAIRPERSON GRONACHAN: Yes.

MS. DRESLINSKI: Motion passes
five to zero.

CHAIRPERSON GRONACHAN:

Congratulations. Your
variances have been granted. Good luck.

MR. WHITHEAD: Thanks.

CHAIRPERSON GRONACHAN: Our

1 final case this evening is PZ17-0003, Novi
2 Town Center Plaza, LLC, 26150 Novi Road,
3 north of Grand River and east and Novi.

4 The applicant is requesting a
5 variance to allow a parking setback from
6 7.5 feet south to 7.8 feet and east to
7 10.4 feet.

8 I know the petitioner does not
9 need to be sworn in.

10 MR. LANDRY: Good evening. My
11 name is David Landry, L-a-n-d-r-y. I am
12 representing this evening the petitioner, the
13 Novi Town Center, Incorporated.

14 This evening the petitioner is
15 requesting a parking setback variance, three
16 of them actually, for the redevelopment of
17 the current project known as Kim's Garden
18 restaurant on Novi Road.

19 They are proposing a single
20 building of 8,883 square feet, positioned up
21 close to the road, Novi Road, with a
22 pedestrian plaza.

23 In May the Planning Commission

1 unanimously approved this development. The
2 Planning Commission granted setback variances
3 for the building on the north, the west and
4 the south. They granted landscaping waivers
5 and they granted facade waivers.

6 In June this Zoning Board of
7 Appeals initially denied the request for
8 parking setbacks. Since that time, the
9 developer has made material changes. They
10 have decreased the size of the building from
11 9,013 to 8,883 square feet. They have
12 converted one of the tenant spaces from
13 retail to a dental office, and they have
14 increased the parking setback on the east
15 along Ingersoll 9.4 feet to 10.4 feet.

16 These materials changes were
17 recognized by the staff as correct in their
18 reports.

19 Now, this is a unique parcel
20 because the parcel is bounded by three roads,
21 Novi Road to the west, Crow Drive to the
22 north and Ingersoll Drive to the east.
23 Essentially, this parcel has three front

1 yards, that uniqueness was also recognized by
2 the staff in their memorandum to the Zoning
3 Board of Appeals, the staff supports this
4 request as is indicated in the staff report.

5 This proposal provides
6 significant improvements to this site. It
7 takes a single use building. This is the
8 existing Kim's Garden site right here. It
9 replaces that single use building with a
10 multi tenant building on a landscape site.

11 Now, the stated purpose of the
12 TC zoning district is to develop pedestrian
13 accessible commercial service district in
14 which a variety of retail, commercial and
15 office uses exist.

16 The proposed development
17 positions the building close to Novi Road
18 with pedestrian plaza as you can see on the
19 board up here, that is architecturally
20 consistent with the surrounding buildings.
21 Bagger Daves to the south, the Fidelity
22 building west across Novi Road is a single
23 building with multiple tenants in it, and

1 recently we have had the Novi Crescent
2 development across Novi Road a little bit to
3 the north, which was the old Big Boys, took a
4 single use building, replaced it with a multi
5 tenant building and pulled it up close to the
6 road. That's exactly what we are doing here.

7 This proposed site improves
8 safety. Currently if I could point out, this
9 building has a curb cut right onto Novi Road
10 here. This is dangerous, you got a gas
11 station, people are exiting the gas station
12 and proceeding north, people are proceeding
13 south and trying to turn into Kim's Gardens.
14 This would eliminate that curb cut. It would
15 close it off. Right now there is a curb cut
16 to the east onto Ingersoll Drive. This
17 proposal would close that curb cut off.

18 What the proposal would do is
19 it would replace those two curb cuts with a
20 single curb cut to the north exactly aligned
21 with the 5/3rd bank, which is exactly what
22 your zoning ordinance suggests.

23 In addition, there would be

1 installation of sidewalks all along Crow
2 Drive and Ingersoll Drive. These would be
3 separated from the parking lot by not only
4 landscaping, but a decorative brick wall
5 topped with a wrought iron rail.

6 Also, interestingly, along the
7 southern border of the property currently,
8 the asphalt that is there now protrudes over
9 the property line onto the gas station. We
10 would obviously be eliminating that.

11 Parking spaces. There are 67
12 parking spaces required. We are providing
13 69. We are not asking for a variance from
14 the required number of parking spaces, from a
15 safety standpoint, we are providing more than
16 is required.

17 The fire department has
18 approved the circular drive configuration.
19 The parking setbacks in your ordinance
20 require 20 feet. We are proposing from Crow
21 Drive 9.8 feet, from Ingersoll Drive,
22 10.4 feet.

23 Now, the parking setback to

1 the south abutting the car wash would be
2 zero. The Planning Commission recognized the
3 benefits and approved this plan with several
4 variances.

5 The only requirement is that
6 we obtain parking setback variances from this
7 ZBA.

8 Now, variances are granted due
9 to practical difficulties. There are certain
10 criteria. The first is that the need for the
11 variance is due to the unique circumstances
12 or physical condition of the property.

13 Here we have a piece of
14 property bounded on three sides by a roadway.
15 There were several instances in the past
16 where this body has recognized that, in fact,
17 for the neighboring Town Center, as a unique
18 circumstance, suggesting that variance should
19 be issued.

20 The need for the variance is
21 not self-created. We didn't create the
22 roads. It was there before we were.

23 Third, strict compliance would

1 prevent the applicant from using the property
2 for a permitted purpose or render conformity
3 unnecessarily burdensome.

4 The applicant has been working
5 with the administration for over a year. We
6 have tweaked and tweaked and have a
7 wonderfully cooperative relationship with the
8 staff to come up with this plan.

9 We are trying to achieve the
10 purpose of the TC district and to be
11 consistent with what Novi wants in the
12 surrounding area, these types of buildings
13 drawn close to the road with a pedestrian
14 plaza, the variances that are requested are
15 the minimally necessary.

16 The only zero setback is to
17 the south, which abuts a car wash with cars
18 lined up on Saturday morning.

19 Five, this will not adversely
20 affect the surrounding property. You should
21 have received four separate letters from
22 neighboring businesses indicating support for
23 this project, not the least of which is

1 Singh, 5/3rd Bank, Stellar Hospitality and
2 Versa, which is across the street.

3 Looking at this project as a
4 whole, I am going to suggest that this is
5 exactly the use and the look that the city is
6 encouraging.

7 Again, we are only asking for
8 a parking setback variance, not a required
9 parking space variance.

10 The other thing I want to
11 point out is, we had a couple renderings that
12 you have not received. Those are the
13 renderings looking down Crow Drive.

14 If you look down Crow Drive,
15 what you are going to find is, road, grass
16 with trees, sidewalk, grass with plants,
17 decorative brick wall with a wrought iron
18 fence. That's the look you're going to have
19 going into the Town Center whether you are a
20 pedestrian or whether you're in a vehicle.

21 From inside the parking lot,
22 you're going to have a parking block, grass,
23 decorative brick wall, wrought iron fence up

1 on the top. This decorative brick wall
2 serves the purpose of protecting headlights
3 shining out onto the other areas, and
4 somewhat screens the parking, along with the
5 trees and the decorative wrought iron rail.

6 The Planning Commission
7 approved this, the staff recommends approval.
8 You have had four letters from adjacent
9 businesses. I would ask this body to approve
10 these variances. It is my understanding that
11 there is someone in the audience who intends
12 to speak in opposition to this.

13 I would like to reserve the
14 opportunity to rebut to whatever those
15 comments are. Those are all I have at this
16 point.

17 CHAIRPERSON GRONACHAN: Thank
18 you very much. Is there anyone in the
19 audience that wishes to make comment on this
20 case. Come on down.

21 MR. NEDELMAN: Good evening. My
22 name is Michael Nedelman. I represent the
23 Novi Town Center investors who own the Novi

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Town Center.

We have provided extensive objections in writing to this body, which I trust all of the members have had the opportunity to review.

This proposal meets none of the criteria that would allow this board to grant the requested variances.

The parcel is not unique. It may be bounded on two or three sides by a roadway, but that doesn't make the parcel itself unique.

There is no practical difficulty in the development of this parcel in a manner that conforms with the zoning ordinances of the city.

Simply stated, this project is just too big for the site. The fact that it's too big for the site doesn't make for a practical difficulty, and doesn't make the project or the property unique.

The fact that the developer wants to take a single use building and

1 replace it with two large and multi use
2 buildings is not justification for granting
3 requested variances.

4 The proposed project only has
5 sufficient parking because of the designation
6 of a portion of this proposed project for a
7 dental office.

8 There is, however, no
9 requirements and no condition that that part
10 of the project remained used as a dental
11 office. If it were to be converted to
12 retail, this project would wilfully lack
13 parking.

14 The site plan that was
15 approved by the Planning Commission, which
16 was done so without public notice, remarkably
17 without public notice, had numerous
18 conditions attached to it.

19 I would suggest to this body
20 that given the fact that the developer now
21 wants to limit the use and wants different
22 setbacks than the Planning Commission was
23 originally provided with, that the Planning

1 Commission be given the opportunity in the
2 first instance to consider the revised site
3 plan and consider what additional
4 requirements and what additional conditions
5 would be appropriate, including, perhaps most
6 importantly, if there were variances granted,
7 which we don't believe there should be, that
8 the area marked as a dental office be
9 restricted to use as a dental office by a
10 deed restriction. Because absent that type
11 of restriction, this project lacks parking
12 and the spillover will be to the adjacent
13 properties including those owned by the Novi
14 Town Center.

15 The applicant does not and
16 cannot state to this board that the property
17 can't be developed without the requested
18 variances. It can be.

19 What can't be done without the
20 variances is a project that is too large and
21 too dense for this particular site. They can
22 build it smaller, comply with the zoning
23 ordinances, and life goes on.

1 The fact that they want too
2 large a building, is not legal justification
3 for this board granting the requested
4 variances. We request that the requested
5 variances be denied, and we thank the board
6 for its attention. If you have any questions
7 I am happy to answer them.

8 CHAIRPERSON GRONACHAN: Thank
9 you. Mr. Landry, would you like to do your
10 rebuttal now.

11 MR. LANDRY: I am a little
12 surprised that the Town Center is claiming
13 that this project is too large and that
14 they're quite frankly objecting.

15 I did a little research.
16 January 11, 2011, Wal-mart appeared before
17 this ZBA in the Town Center, a very large
18 tenant of the Novi Town Center. They sought
19 and were granted 12 variances, four of them
20 were parking setbacks.

21 The parking setback they were
22 granted was zero. They provided zero parking
23 setbacks.

1 What was reason they gave?

2 What were the unique circumstances? The
3 property is abutted by two or three roads,
4 exactly the unique circumstance in this case.

5 They argued it wasn't
6 self-created because they didn't put the
7 roads in. Exactly what we are saying in this
8 case. Strict compliance would unreasonably
9 prevent the owner, exactly what we are saying
10 in this case, we requested variances that
11 were the minimum necessary and would
12 negatively impact. Interesting. Town Center
13 saying zero setback would not negatively
14 interfere with the surrounding properties. I
15 have no problem with the variances granted to
16 Wal-mart. None at all. I believe the exact
17 same circumstances exist here.

18 That same night, January 11,
19 2011, the Town Center was here seeking a
20 variance for a building called Town Center
21 building X.1. The variances for the
22 construction of the 17,442 square feet retail
23 building to connect the existing building

1 with Wal-mart. They were plugging a hole,
2 yet they claimed this building at 8,000
3 square foot too big for the site. They were
4 plugging a hole. They were granted seven
5 variances. Two of them were parking setback
6 variances. They provided zero parking
7 setbacks.

8 They argued the unique
9 circumstance, it was they were trying to
10 retrofit. Now they claim it's too big for
11 the site. They claimed it wasn't
12 self-created. They built Wal-mart.

13 Again, I don't object to the
14 variance that was granted to them, this body
15 found that it met the criteria. I don't
16 disagree with that. I just find it a little
17 bit surprising that they show up and claim
18 that we are building too much for this
19 property.

20 June 12, 2012, Crescent Place
21 came before this body, replacing the single
22 use Big Boy building. They wanted a multi
23 tenant building. They were granted five

1 variances, two parking setback variances.
2 They were provided 10 feet, just about what
3 we are providing. The unique circumstances,
4 the property is surrounded by three roads.
5 Exactly our situation here. Replacing a
6 single use building with multi tenant
7 building, pulling it up close to the road,
8 providing whatever parking setback we could,
9 surrounded by three roads.

10 This body found it was unique
11 circumstances not due to the applicant's
12 economic difficulty, not self-created, would
13 be unnecessarily burdensome to comply, the
14 variance was the minimum necessary, no
15 adverse impact.

16 October 14, 2014, Novi
17 Crescent II appeared before this body, for
18 six variances. Two of them parking setback
19 variances.

20 Unique circumstances, the
21 narrowness, shape of the lot, and pulling the
22 building right up close to the road.

23 What I suggest to you is we

1 are doing the best we can with this property.
2 It is not too big for the site.

3 The last thing that Novi wants
4 is a project that's not going to make it. If
5 we were here trying to maximize dollars, we
6 would be asking you for a building twice as
7 big with half the parking.

8 That's a dangerous situation.
9 We are not asking for -- we shrunk the
10 building as much as we can to be consistent.
11 We provided the pedestrian plaza. The
12 Planning Commission approves it, your staff
13 approves it, four surrounding Town Center
14 area tenants approve it.

15 We would respectfully ask that
16 you approve it.

17 I am here to answer any
18 questions anybody has.

19 CHAIRPERSON GRONACHAN:

20 Mr. Landry, I do have a
21 question.

22 Could you please address the
23 dental office statement made by the Town

1 Center.

2 MR. LANDRY: This is the first
3 time I have ever heard somebody say, yes, we
4 provided all the necessary parking the zoning
5 ordinance requires, but it's not enough
6 parking? What is the issue here? It's a
7 principle permitted use. And we have
8 calculated the parking. We could not change
9 that use without coming back before you, if
10 we were not provided enough parking, and then
11 at that time, depending on the use that went
12 in, this body would say, no, I'm sorry, you
13 can't have that use because you don't have
14 the right parking. We have all the parking
15 now. What's the issue? I don't see the
16 issue. We can't in the future do whatever we
17 want in there. We always have to conform
18 with the ordinance of the city or obtain
19 variances. That's our obligation.

20 But I have never stood before
21 a ZBA complying with the ordinance and have
22 somebody say, well, you know in the future,
23 they might not comply. Well, all I can deal

1 with is what I have right now. All this body
2 can deal with is what they're faced with
3 right now. Because I might do something in
4 the future, that's not before this body. The
5 presence is before this body.

6 MR. NAFSO: Mr. Landry, to
7 Mr. Nedelman's point, would a land use
8 restriction be a better mechanism to bring
9 you back before the board in the event that
10 were changing the use versus -- the land use
11 restriction versus putting the
12 (unintelligible) on you to simply come before
13 the board, really unilaterally on you to come
14 before the board if the use happens to be
15 changed at a future time?

16 MR. LANDRY: I don't see why my
17 client should be encumbered with a land use
18 restriction. Let's say a dental office goes
19 in there. And we are going to put something
20 other than a dental office in. What has to
21 happen. We have to have a building permit.
22 You have to alter the building. They're not
23 going to give us a permit if we don't have

1 the requested parking, that's the city's
2 protection. You don't need a land use
3 restriction. I can't get a building permit
4 to bring another tenant in there. That is
5 the restriction the city relies on 364 days
6 of the year. I don't think you need to
7 burden anybody with land use restriction.

8 CHAIRPERSON GRONACHAN: Okay.
9 Thank you. Is there any other comments in
10 regards to this matter at this time?

11 Seeing none, correspondence?

12 MR. NAFSO: We have 29 letters
13 mailed, four letters returned, four
14 approvals, zero objections.

15 MS. DRESLINSKI: One objection.
16 It's the one that Town Center read. It's in
17 there.

18 MR. NAFSO: One objection also.

19 CHAIRPERSON GRONACHAN: Instead
20 of -- we can just admit these to the record,
21 do we have to read all of these?

22 MS. SAARELA: You don't have to.
23 You can just summarize the approval and

1 reason for approval.

2 MR. NAFSO: There is a letter
3 from Singh signed by Avi Grewal, G-r-e-w-a-l,
4 writing in support of Town Center Gardens and
5 the variance they're asking for, believing
6 that it will not only enhance Town Center,
7 but Novi Road, Main Street as well.

8 A letter on 5/3rd letterhead,
9 signed Jeffrey Wagner, vice president,
10 regional real estate state director, from the
11 Southfield location, voicing support for the
12 proposed Novi Town Gardens at the current
13 location.

14 Mr. Wagner believes the
15 development would enhance the overall Town
16 Center area, the type of development meets
17 the purpose of the zoning district.

18 A letterhead is Stellar
19 Hospitality, Midwest Lodging, signed Jimmy
20 Asmar, Homewood Suites, Novi Town Center
21 supporting the development. Referencing that
22 it would include sidewalks along Crow and
23 Ingersoll Drives, which would improve the

1 entire area. And he says he believed it
2 architecturally improved the look along Novi
3 Road and the streetscape.

4 Lastly in support is a letter
5 on Versa Real Estate letterhead signed
6 Gregory J. Erne, E-r-n-e, also writing to
7 voice support, stating that the development
8 with its multi-tenant building close to Novi
9 Road, streetscape along Novi Road would be a
10 great improvement to the Novi area.

11 He's also in favor of
12 additional sidewalks along Crow Drive and
13 Ingersoll Drive and parking, he believes the
14 parking setback would not in any way harm the
15 surrounding area.

16 In fairness to Nedelman, I do
17 want to locate this letter. I also want to
18 ask if there were any other letters. I know
19 Mr. Nedelman may have referenced more than
20 one. There was just the one?

21 MR. NEDELMAN: Just the one
22 letter.

23 MS. DRESLINSKI: It's multiple

1 pages long. It should be right after the
2 approval.

3 MR. NAFSO: We have a record of
4 Mr. Nedelman's letter that's dated June 12,
5 and follow up on February 7, 2017 prior to
6 this meeting, where Mr. Nedelman restated his
7 objection in a letter that's six -- sorry,
8 five separate points that rebuts the letter
9 that's submitted by the applicant, stating
10 that standard number one isn't satisfied with
11 no applicable circumstances or physical
12 conditions or support any variance. As to
13 standard number two, there being no practical
14 difficulty --

15 MS. SAARELA: I don't think it's
16 necessary to read everything.

17 MR. NAFSO: Nothing further.

18 CHAIRPERSON GRONACHAN: Building
19 department?

20 MR. BUTLER: No comments.

21 CHAIRPERSON GRONACHAN: City
22 attorney?

23 MS. SAARELA: Sure. I guess, at

1 this point, I just would like to respond to a
2 couple points that were in the letter
3 submitted from Mr. Nedelman's office.

4 He talks in detail about the
5 standards, but a couple other issues were
6 raised which were essentially legal issues.

7 One had do with this issue
8 having come before the board before. And an
9 assertion that it could not come before the
10 board again.

11 In response to that, the rule
12 in Michigan, and frankly, in general, with
13 respect to matters that have come before the
14 board is that they can come back if there is
15 a new plan to the material change two aspect
16 of the case. In this case we do have a
17 different plan than was before you before,
18 specifically there is three material aspects
19 of this plan that are different from the last
20 time you heard this matter, which is that the
21 building size has been decreased from 9,013
22 square feet to 8,883 square feet.

23 The one tenant space is now

1 from retail to dental office, and the parking
2 setback has been increased on the one side
3 from 9.4 feet to 10.4 feet.

4 So, in our opinion, the
5 material change aspect of this has been met
6 and they are entitled to come before the
7 board again.

8 With respect to the issue of
9 having to come before the Planning Commission
10 again before coming back to this board, the
11 changes which were basically decreases, you
12 know, to the impact of the plan, were
13 basically issues that could be handled
14 administratively by the community development
15 department without any variances necessarily
16 having to be modified by the Planning
17 Commission.

18 So it wasn't necessary for the
19 Planning Commission to look at the variances
20 that were already granted with respect to
21 these types of changes, and that was all set
22 forth in the planning memo.

23 In addition, I think you have

1 been provided additional information than
2 what you have heard before with respect to
3 the plan.

4 There is case law in Michigan,
5 McDonald versus Township of Canton, 177 Mich
6 App 153, 1989 whereby the plan in that case
7 wasn't even changed at all, the applicant
8 just came back before the commission, the
9 Planning Commission in that case, with new
10 information that was not available at the
11 previous meeting. So I think, you know the
12 applicant is able to come back before you.
13 If you have any other questions about the
14 issues raised, I would be happy to further
15 expand on it.

16 CHAIRPERSON GRONACHAN: Thank
17 you very much. Board members? Member
18 Krieger?

19 MS. KRIEGER: I can find that I
20 can grant the variance. The petitioner has
21 done due diligence and came before us, and
22 they have decreased their -- what they had
23 proposed before to what they have now.

1 The site plan itself is
2 enclosed, it has the wall enclosure so that
3 would kind of discourage spillage into other
4 areas. On Main Street it gives Novi the
5 spirit of the Main Street feel and it
6 balances the other side of Novi Road, with
7 its site.

8 And due to the conversation or
9 the information that was provided, this
10 property owner has a right to -- because of
11 their due diligence and minimum requirement
12 that they're asking for a variance has a
13 right for their petition.

14 CHAIRPERSON GRONACHAN: All
15 right. Thank you. Anyone else?

16 I do have so something to
17 offer. And I have to congratulate the
18 petitioner for doing such an excellent job in
19 the presentation. It is 120 percent better
20 than what we was presented to us a few months
21 back.

22 I would like if Mr. Landry
23 could please put the drawing -- the rendering

1 back up on the -- I think it's important that
2 several issues be addressed, and only because
3 they were part of the reason of our denials
4 in the past.

5 I think that this
6 presentation -- or this proposal that's in
7 front of us addresses several concerns.
8 Safety, as Mr. Landry presented, I think that
9 the sidewalks add to the safety and the
10 overall esthetics of the city. It meets what
11 the zoning -- what this -- what the ordinance
12 is trying to do for this area.

13 Novi Road is not a safe area,
14 as we all know. We all know what the
15 challenges are of pulling into any one of
16 these parking lots. By securing this off and
17 adding the inclusion of the fences and the
18 brick wall, it also contains the traffic from
19 going over into the other parking lots.

20 And I think that addresses a
21 major concern that perhaps the people who are
22 objecting to this site, this address is that
23 for the most part.

1 I don't feel if people are
2 going to -- if the parking is too small that
3 they're going to go down Ingersoll, drive all
4 the way into the Town Center and then walk
5 all the way back for the type of businesses.
6 I just don't see that. I don't see it in
7 other areas throughout Novi. I think that
8 Novi did its due diligence when it was
9 planning this.

10 Given the complexity of this
11 case, I am going to ask if the board members
12 have anything else to add to this and would
13 ask the indulgence of the board to allow this
14 Chair to make the motion if no one has
15 objections to that?

16 Member Ferrell?

17 MR. FERRELL: Thank you. Yes, a
18 question for the city.

19 Just with the tenant, the
20 dental not imposing a land restriction on
21 that, if there was -- I am still confused
22 with that.

23 By them adding the dental

1 location, it allowed to have less parking?

2 MS. SAARELA: It's a less
3 intense use, so they look at -- you know,
4 there is charts that are developed to sort of
5 average what -- how many people would visit
6 this business versus a retail business,
7 determined based on this type of use, not as
8 much parking is required because you don't
9 have as much -- you know, as many cars coming
10 at one time. You have a -- you know, more
11 limited use of the business.

12 MR. FERRELL: If it changes to
13 something is else, it was mentioned about
14 having a permit?

15 MS. SAARELA: It would depend on
16 how much the building would have to be
17 modified to whether another permit would be
18 required, you know.

19 MR. FERRELL: Okay. Thank you.

20 CHAIRPERSON GRONACHAN: Anything
21 else? Does anyone have any objection to me
22 making the motion?

23 MR. FERRELL: Go for it.

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CHAIRPERSON GRONACHAN: Thank you. I am a little rusty.

I move to approve variances requested in Case No. PZ17-0003, sought by the Novi Town Center Plaza, LLC, to allow parking setback reductions from .5 feet south to 7.8 feet and 10.4 feet because petitioner has shown practical difficulty consisting of three front yard setbacks, which would unreasonably prevent or limit the use of the property because front yard setbacks are more restrictive as to the parking than side or rear yard setbacks.

Petitioner did not create this condition, because the proposal is located with frontage on Novi Road, Ingersoll and Crow Drive.

The relief will not unreasonably interfere with adjacent or surrounding properties, because surrounding properties, including the Novi Town Center, have received multiple parking setback variances due to unusual circumstances and

1 configurations of properties in the TC-1
2 district.

3 The relief is consistent with
4 the spirit and intent of the ordinance
5 because the development is consistent with
6 surrounding multi uses, buildings with rear
7 parking -- and building with rear parking.

8 Therefore, I move that this
9 variance be granted.

10 MS. KRIEGER: Second.

11 MS. SAARELA: I just got one
12 thing. The first number you mentioned for
13 the variance should have been 7.5, not 0.5.

14 CHAIRPERSON GRONACHAN: Sorry.
15 So amended.

16 MS. KRIEGER: Second.

17 CHAIRPERSON GRONACHAN:
18 Any other further discussion?

19 Seeing none, Monica, would you
20 please call the roll.

21 MS. DRESLINSKI: Member Byrwa?

22 MR. BYRWA: Yes.

23 MS. DRESLINSKI: Member Ferrell?

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MR. FERRELL: Yes.

MS. DRESLINSKI: Member Krieger?

MS. KRIEGER: Yes.

MS. DRESLINSKI: Member Nafso?

MR. NAFSO: Yes.

MS. DRESLINSKI: Chairperson

Gronachan?

CHAIRPERSON GRONACHAN: Yes.

MS. DRESLINSKI: Motion passes
five to zero.

CHAIRPERSON GRONACHAN:

Gentlemen, your variance has
been granted. Congratulations. And good
luck to you.

Under other matters, easy for
me to say, the city has suggested that we
have some ZBA training sessions. And I am
going to -- who is going to that lead,
Monica?

MS. DRESLINSKI: Yes.

CHAIRPERSON GRONACHAN: Monica
is going to head up this project.

MS. DRESLINSKI: Do you guys

1 have some suggestions for some dates? You
2 can email me, but --

3 MR. FERRELL: How about tonight,
4 right now?

5 MS. DRESLINSKI: Maybe another
6 day. Do you want to keep it on a Tuesday?

7 MS. KRIEGER: I requested
8 workdays off on Tuesdays.

9 MR. FERRELL: What are the
10 times?

11 MS. DRESLINSKI: Probably six.

12 MR. FERRELL: For how long?

13 MS. DRESLINSKI: Maybe an hour
14 or two. You guys email me, give me dates
15 that you're good with. I will do the rest.

16 CHAIRPERSON GRONACHAN: Can I
17 make a suggestion. Can you maybe email us
18 because the other members are gone, and that
19 way we can check our calendars.

20 MS. DRESLINSKI: Would you be
21 okay if I gave let's say three dates and you
22 picked from those?

23 CHAIRPERSON GRONACHAN: Yes.

1 Sounds like a plan.

2 Any other matters for
3 discussion?

4 MR. BUTLER: Would you concur
5 with maybe the same time frame maybe earlier
6 in the evening?

7 MS. DRESLINSKI: Six usually
8 works, people can get out of work.

9 MS. SAARELA: We usually have
10 food here.

11 CHAIRPERSON GRONACHAN: Beth
12 usually cooks for us.

13 I think six or 6:30 may be
14 better, so everybody can get here in time.
15 Everybody is traveling a distance. 6:30
16 might work better. Just a suggestion. You
17 can confirm that. I don't know who else has
18 travel time. 6:30 might work better
19 especially with traffic.

20 MR. FERRELL: Or six.

21 MS. DRESLINSKI: I'll throw in a
22 mix of times.

23 CHAIRPERSON GRONACHAN: You

1 can't be here at 6:30 is what you're saying,
2 you want it at six or how -- I didn't
3 understand what you were saying.

4 MR. FERRELL: I'd rather it be
5 at six.

6 CHAIRPERSON GRONACHAN: Okay.
7 We will just put it in the email.

8 MS. DRESLINSKI: I will email
9 you some dates.

10 CHAIRPERSON GRONACHAN: All
11 right. I will entertain a motion to adjourn
12 the meeting.

13 MR. FERRELL: So moved.

14 CHAIRPERSON GRONACHAN: All
15 those in favor?

16 THE BOARD: Aye.

17 CHAIRPERSON GRONACHAN: Meeting
18 adjourned.

19 (The meeting was adjourned at 8:43 p.m.)

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STATE OF MICHIGAN)

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COUNTY OF OAKLAND)

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I, Jennifer L. Wall, Notary Public within and for the County of Oakland, State of Michigan, do hereby certify that the meeting was taken before me in the above entitled matter at the aforementioned time and place; that the meeting was stenographically recorded and afterward transcribed by computer under my personal supervision, and that the said meeting is a full, true and correct transcript.

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

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3-12-17

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Date

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

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