

REGULAR MEETING - ZONING BOARD OF APPEALS

CITY OF NOVI

TUESDAY, MARCH 13, 2018 7:00 P.M.

Council Chambers | Novi Civic Center | 45175 W. Ten Mile Road

BOARD MEMBERS:

Siddharth Mav, Chairperson

Brent Ferrell, Secretary

Cynthia Gronachan

David M. Byrwa

Linda Krieger

Thomas Nafso

Joe Peddiboyina

Samuel Olsen

ALSO PRESENT:

Elizabeth Saarela, City Attorney

Lawrence Butler, Comm. Development, Dep. Director

Katherine Opperman, Recording Secretary

Reported by:

Darlene K. May, Certified Shorthand Reporter

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Novi, Michigan

Tuesday, March 13, 2018

7:00 p.m.

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CHAIRPERSON SANGHVI: Good evening. It is 7:00 p.m. and it's time to call to order the meeting of the Zoning Board of Appeals of the City of Novi.

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

(Pledge of Allegiance.)

CHAIRPERSON SANGHVI: Thank you. Please sit down.

Madame Secretary, please call the roll.

MS. OPPERMAN: Member Byrwa?

MEMBER BYRWA: Present.

MS. OPPERMAN: Member Ferrell?

MEMBER FERRELL: Here.

MS. OPPERMAN: Member Gronachan?

MEMBER GRONACHAN: Yes.

MS. OPPERMAN: Member Krieger?

MEMBER KRIEGER: Here.

MS. OPPERMAN: Member Olsen?

MEMBER OLSEN: Here.

1 MS. OPPERMAN: Member Nafso?

2 MEMBER NAFSO: Here.

3 MS. OPPERMAN: Member Peddiboyina?

4 MEMBER PEDDIBOYINA: Yes.

5 MS. OPPERMAN: And Chairperson Sanghvi?

6 CHAIRPERSON SANGHVI: Here.

7 Thank you. The next item on the agenda is  
8 Public Hearing Format and Rules of Conduct. The Rules  
9 of Conduct and all the details are available on a  
10 printout up in front. So I will not repeat that.

11 The next item on the agenda is approval of  
12 the agenda. We have an agenda before us.

13 Madame Secretary, are there any changes?  
14 Additions?

15 MS. OPPERMAN: There was a small change to  
16 PZ-18003. There was a clerical error. So it should  
17 read an aggregate total of 40.32 feet as opposed to  
18 40.32 square feet.

19 CHAIRPERSON SANGHVI: Thank you. I'd  
20 appreciate a motion to approve the agenda.

21 MEMBER FERRELL: So moved.

22 MEMBER GRONACHAN: Second.

23 THE COURT: A motion has been made and

1 seconded. All those in favor, please signify by saying  
2 "Aye."

3 MEMBER BYRWA: Aye.

4 MEMBER KRIEGER: Aye.

5 MEMBER GRONACHAN: Aye.

6 MEMBER FERRELL: Aye.

7 MEMBER NAFSO: Aye.

8 MEMBER PEDDIBOYINA: Aye.

9 MEMBER OLSEN: Aye.

10 CHAIRPERSON SANGHVI: Those opposed, same  
11 sign.

12 Next item on the agenda is minutes for  
13 February 2018. I hope you had an opportunity to look  
14 at the minutes. And if there are any additions,  
15 deletions, omissions to modify, this is the time to do  
16 it.

17 If there is none, I will expect a motion to  
18 approve the minutes.

19 MEMBER GRONACHAN: So moved.

20 MEMBER OLSEN: Second.

21 MEMBER PEDDIBOYINA: Second.

22 CHAIRPERSON SANGHVI: The motion has been  
23 made and seconded to approve the minutes. All those in

1 favor signify by saying "Aye."

2 MEMBER BYRWA: Aye.

3 MEMBER KRIEGER: Aye.

4 MEMBER GRONACHAN: Aye.

5 MEMBER FERRELL: Aye.

6 MEMBER NAFSO: Aye.

7 MEMBER PEDDIBOYINA: Aye.

8 MEMBER OLSEN: Aye.

9 CHAIRPERSON SANGHVI: All those opposed, same  
10 sign.

11 Being none, moving on. The public section  
12 remarks.

13 Is there anybody in the audience who would  
14 like to address the board about anything other than  
15 what is on the agenda tonight?

16 Please come forward, identify yourself and  
17 state your name and address. Come to the podium over  
18 here.

19 MS. DUCHESNEAU: I have a layout map. May I  
20 lay that down on here so you can see what I'm talking  
21 about?

22 MEMBER GRONACHAN: Just for clarification,  
23 this is regarding nothing that is on the agenda this

1 evening, correct?

2 MS. DUCHESNEAU: Correct. Correct. It is  
3 not on your agenda at the moment, but I believe it will  
4 be coming up shortly.

5 MEMBER GRONACHAN: We need your name, please.

6 MS. DUCHESNEAU: My name is Dorothy  
7 Duchesneau. I live at 1191 South Lake Drive in Novi,  
8 Michigan. I am part of the north end that lives on the  
9 lake up in that area. And thank you for hearing me  
10 tonight.

11 I'm here today because of a project that is  
12 in the beginning process and that will be coming before  
13 you in the near future. This is called Lakeview Townes  
14 by Robertson Homes. This developer will be asking for  
15 a rezoning of parcels located in the north end of Novi,  
16 south off of Thirteen Mile and Old Novi, directly south  
17 of Pavilion Shore Parks. His are those in yellow.

18 Most of the residents of this area had no  
19 idea that this section left and right of Old Novi Road  
20 and the section across from the park has had its zoning  
21 changed under the new master plan and that the City is  
22 targeting us as one of its three redevelopment areas.  
23 Under this approved master plan, our R-4 zoning in this

1 area, which has been in effect since people started  
2 building around the casino and amusement park years ago  
3 before Novi became a city, is now named Pavilion Shores  
4 Village.

5 As Pavilion Shores Village, our R-4 density  
6 of 3.3 homes per acre has now been increased to 7.3  
7 homes per acre. Many of these older homes are on 40-  
8 and 60-foot lots and we live very well on them. It is  
9 a peaceful up-north area that happens to be in Novi.

10 We now have a developer who has read the new  
11 master plan guidelines and he wants to build 57  
12 three-story townhome of condos on three acres of this  
13 eight acre parcel. These proposed 20-foot wide  
14 attached townhomes are literally being built on the  
15 property lines on top of our neighbors. The builder  
16 intends to request that the City give rights-of-way to  
17 Old Novi Road to help facilitate extra parking on both  
18 sides of the roadway since their units only account for  
19 two cars physically in the garage.

20 He has also been in discussion with the folks  
21 over in Planning Department and has even met with the  
22 local residents twice in the last month -- once in  
23 early February. And I guess he didn't hear us the

1 first time. Yesterday's meeting at the Novi Library we  
2 had over a hundred neighbors in attendance. This will  
3 grow.

4 We bought and built in Novi because we  
5 wanted, in this area, this type of laid back lifestyle.  
6 We are not against building. We are not saying, "Don't  
7 build anything."

8 We are saying keep to the zoning density.

9 This development is not appropriate for this  
10 area. It's too densely built. It will do nothing but  
11 bring traffic, traffic and traffic to a quiet area on a  
12 residential road, which is what Old Novi is considered.

13 He claims he can't make any money unless he  
14 builds a lot of units and that these units are what the  
15 City wants to see there per the revised master plans.  
16 We don't want to see another Sandstone where a  
17 developer gets to run roughshod over long-time loyal  
18 residents.

19 His parting words to my husband last night  
20 were along the lines of, "Oh, they'll let us build.  
21 Because if not, we'll get even."

22 Sorry. Keep him to the density when he shows  
23 up before you. He has to.

1 Thank you.

2 CHAIRPERSON SANGHVI: Thank you, ma'am.

3 Thank you. Moving on with the first case  
4 PZ17-0055, Adrienne Lenda, 1209 East Lake Drive, west  
5 of Novi Road and south of 14 Mile Road, parcel number  
6 50-22-02-127-019. The applicant is requesting a  
7 variance from the City of Novi Zoning Board of Appeals.

8 Ordinance section 3.32-10, Section ii.a, for  
9 the building of a proposed 500 square foot shed on the  
10 waterfront. A hundred square feet are allowed by the  
11 code. And another variance is Section 3.32-10, Section  
12 ii.b, to allow a 10.5 foot height. Eight foot are  
13 allowed by code. This property is zoned single family  
14 residential R-4.

15 Is the applicant here?

16 MR. AGIS: Yes.

17 CHAIRPERSON SANGHVI: Okay. Would you please  
18 identify yourself with your name and address.

19 MS. LENDA: My name is Adrienne Lenda at  
20 31132 Lagoon Drive.

21 MEMBER GRONACHAN: Could you please come to  
22 the microphone so they can hear you.

23 CHAIRPERSON SANGHVI: Would you come to the

1 podium and both of you, identify yourselves and be  
2 sworn in by our secretary if you are not attorneys.

3 MS. LENDA: My name is Adrienne Lenda. I  
4 live at 31132 Lagoon Drive, Novi. And I have here ...

5 MR. AGIS: My name is Joe Agis. I live at  
6 5228 Washakie Trail in Brighton, Michigan.

7 MEMBER FERRELL: Either of you an attorney?

8 MR. AGIS: No.

9 MS. LENDA: No.

10 MEMBER FERRELL: Go ahead and raise your  
11 right hand for me.

12 Do you swear to tell the truth in the case  
13 before you?

14 MR. AGIS: I do.

15 MS. LENDA: I do.

16 MEMBER FERRELL: Okay.

17 CHAIRPERSON SANGHVI: Okay. Please start  
18 your presentation. Thank you.

19 MR. AGIS: And we have Igor over here as  
20 well.

21 MR. SHPILBAND: Should I introduce myself?

22 MR. AGIS: Yes. Go ahead and introduce  
23 yourself, Igor.

1 MR. SHPILBAND: My name is Igor Shpilband and  
2 I live at 31132 Lagoon Drive, Novi, Michigan.

3 MEMBER FERRELL: Can you spell your first and  
4 last name.

5 MR. SHPILBAND: Igor, Shpilband, I-g-o-r,  
6 S-h-p-i-l-b-a-n-d.

7 MEMBER FERRELL: Do you plan on giving  
8 testimony in this case?

9 MR. SHPILBAND: If I have to.

10 MEMBER FERRELL: I'll swear you in. Go ahead  
11 and raise your right hand.

12 Do you swear to tell the truth in this case?

13 MR. SHPILBAND: Yes.

14 MEMBER FERRELL: Go ahead.

15 MR. AGIS: I'll try and get through this as  
16 quick as possible.

17 Hi. My name is Joe Agis. I was here at the  
18 last board meeting, the last zoning meeting. And I  
19 have been hired by Adrienne and Igor to graphically  
20 demonstrate their hardship.

21 I have read through the minutes and I would  
22 like to address their request for the 25 by 20 by 10.5  
23 lake shed at 1209 East Drive.

1                   Per the minutes when their last zoning  
2 meeting was, there was a request for a full rendering,  
3 which they gladly hired their architect and paid them.  
4 And I would like to start with that right now.

5                   MEMBER GRONACHAN: You're upside down.

6                   (Document(s) being displayed.)

7                   MEMBER GRONACHAN: There you go.

8                   MR. AGIS: Well, the rest of them will be  
9 correct.

10                  So the first time they came here we only had  
11 the rendering of the house, which the ground has been  
12 broken. This one shows the shed and the proportion  
13 with the size of the house, which it shows it fits  
14 really nice with the material's on there.

15                  And it also demonstrates with an eight-foot  
16 drop from the road to the lake level that only a small  
17 portion will actually be seen unless you're on a boat  
18 out in the water. So only the tip of that roof will  
19 actually be able to be seen by any of the neighbors or  
20 anybody driving by. It's a full, eight-foot drop.

21                  This house is going to add beauty and  
22 prestige to this neighborhood. All the wood on the  
23 existing holding wall will be retained. Any kind of

1 boards replaced, and all new landscaping as well around  
2 the lake shed.

3 But I want to address the hardships right  
4 away. I went through the ordinance myself and went  
5 through it and it is fitting. A lot of the lots are  
6 smaller. But I just want to show, when these things  
7 were -- when this ordinance was instated that this was  
8 a typical family. This is not a -- this was a typical  
9 family at lakefront place. They would have their wood  
10 skis, the old inner tube.

11 Well, my point of showing this is is times  
12 have changed. These items now are way more expensive,  
13 bigger and there are a lot of different items which I'm  
14 going to go through really quick here.

15 We still have the skis, but everybody knows  
16 these paddleboards. These two are 11 foot tall. You  
17 still have the skis. Carrying these up a 200-foot  
18 driveway with an eight foot incline just to get up the  
19 lake, you can see even at 11 foot how they would fit in  
20 a 10 by 10 shed.

21 These are more items that are -- wakeboards,  
22 wakeskates, surfboards and even the old orange vest  
23 have been replaced with full wetsuits and wakesurf

1 boards.

2 That's a little bit big, but you can get the  
3 idea. And that old inner tube that used to fit in that  
4 10 by 10 shed has now been replaced with a new and  
5 improved tube that you see all over these lakes. These  
6 tubes are bigger. This one is seven foot long. So  
7 you're talking about -- well, some of these things  
8 would fill up a regular two-car garage, taking up half  
9 the garage in there.

10 Some other items that they own and are  
11 bringing to the slate is wind surfers. They're both  
12 professional athlete trainers. And these are things  
13 that they utilize for themselves as well.

14 A two person kayak, which is 19 feet long.  
15 These things can be very expensive and they need to be  
16 stored inside an environment.

17 A two-person or single-person catamaran.  
18 These things are 25 feet long and 10 feet high with the  
19 pole broken down. These are some of the hardships.  
20 And these are not self-brought-up hardships. These are  
21 typical items of someone that would live on a lakefront  
22 that they would own and want to be stored.

23 Not to mention Jet Skis.

1           Some small rakes and potted plants that  
2           you're going to want to have down there by the  
3           waterfront.

4           A couple of chaise lounges and a small dining  
5           room set down by the water. These things can all be  
6           fit inside this shed that is 20 by 20 foot.

7           And you can see them here demonstrating some  
8           things underneath it. But even at that size we are  
9           pretty much going right to the edges of these items.  
10          And once again, these are not untypical items with  
11          someone of a house this size and a block this size to  
12          have as recreational equipment.

13          That's our hardship, number one, is personal  
14          property preservation.

15          The second part, the second hardship, is a  
16          security hardship. These items are very expensive.  
17          Even if it's a paddleboard, you don't want to leave  
18          these things out or any of these items out. You want  
19          to keep them locked up.

20          Igor and Adrienne are olympic trainers. So  
21          they travel a lot. They're going to be -- they leave  
22          sometimes up to three weeks. They're not going to want  
23          to carry everything up 200 feet to the house, and it

1 would be nice to have all these items inside one  
2 locked, secured, lake shed.

3 Hardship number three: This is a diagram  
4 from the house that fits on there. Going up the eight  
5 foot grade, crossing the road, up the driveway to the  
6 garage, we're talking 200 feet. On a downhill, it's  
7 great. But walking up it's a whole other story.

8 We have -- Walled Lake's notorious for its  
9 wind. There's a tornado. And we also have a neighbor  
10 here today that ...

11 Can you see that? There. This is a neighbor  
12 right here. This was at -- this was by the lake. This  
13 thing was picked up from the lake, crossed the road and  
14 hit the telephone pole and a house before it stopped.

15 So having a shed is a justified hardship for  
16 these items, very expensive items, that are typical of  
17 a lake house. You can see there that was hit by the  
18 thing as well.

19 A part of the -- the part of the health and  
20 safety hardship for number three is the getting across  
21 this road as well. They're going to have lots of  
22 family and kids coming back and forth. And it's one of  
23 the things that the neighbors have brought up as well,

1 is keeping everything down below is a lot better.

2 Last but not least, I want to show you the  
3 size of their property which they're building on. It's  
4 over a hundred feet wide and it's got quite a large  
5 house on it. A lot of lots next to it are 40-foot  
6 lots. This shed does not seem in perspective  
7 outrageous on the size.

8 This is -- I highlighted it and you can see  
9 the existing shed there, right? And this is the size  
10 of the shed. It's not that much bigger for this size  
11 of the piece of property.

12 This hardship on number four is -- I wanted  
13 to get it out of the minutes.

14 Was the need. The need on this is the  
15 self-preservation of these personal items. The  
16 security of these personal items is the need. And also  
17 the need is the safety of having to transport these  
18 things back and forth if they could not be fit into  
19 this 10-foot shed.

20 But I think it's part of an ordinance that  
21 dates pretty far back. This piece of property right  
22 here as well, these people have made an investment and,  
23 they're. Making a huge investment in the house. But

1 just that piece of land in the front is a separate  
2 taxed item other than the property that the house sits  
3 on. This property, just this lakefront property, is  
4 \$5,000 a year in taxes in Novi. Not including the  
5 house or the property that it's on.

6 To fully utilize the justification of  
7 spending that money by these two people, they really  
8 feel that this 25 by 20 foot shed will fit these items.  
9 The size of the shed was designed for the catamaran,  
10 for the paddle boards, for the wind surfer. For these  
11 items to fit in there. The 25 by 20 wasn't just an  
12 abstract number. We took all these pieces together and  
13 figured out what would be the exact amount on there.

14 On behalf of Igor and Adrienne, I would like  
15 to thank the panel for their consideration. I do  
16 believe this will enhance the neighborhood, increase  
17 property values and keep the integrity of the lake.

18 And they didn't want me to mention it, but in  
19 the last five years -- in the last decade, these people  
20 are professional Olympic trainers. Two of their  
21 athletes that they have personally trained has received  
22 a gold and silver medal for the United States. And I  
23 think even to have some celebrities like that right on

1 the lakefront would be a nice addition as well.

2 So I appreciate you considering the  
3 additional space that they are requesting.

4 Any questions, please?

5 CHAIRPERSON SANGHVI: We'll come to that  
6 later. Thank you.

7 Anything else you would like to add? Anybody  
8 else would like to add?

9 Go ahead.

10 MR. ENGLING: Hello. I'm Carl Engling. I  
11 live at 1389 East Lake Drive, down the street from this  
12 property.

13 MEMBER FERRELL: Can you spell your last name  
14 for me, Carl?

15 MR. ENGLING: E-n-g-l-i-n-g.

16 MEMBER FERRELL: Are you an attorney?

17 MR. ENGLING: Nope.

18 MEMBER FERRELL: Can you raise your right  
19 hand and be sworn in?

20 Do you swear to tell the truth in this case?

21 MR. ENGLING: Yes.

22 I just want to say I think it's a great idea.  
23 It's great that they're actually giving forethought to

1 think of putting away all the stuff you have on the  
2 lake. I myself have a lot of problems trying to keep  
3 my yard clutter free from all the toys you get from  
4 living there with kids and all that. And I just want  
5 to go on the record and say I'm for it.

6 CHAIRPERSON SANGHVI: Thank you. Anybody  
7 else?

8 Thank you.

9 MR. AGIS: I wanted to add one more. The  
10 neighbor next door has, I believe -- has everybody  
11 gotten this letter from the neighbor next door that was  
12 opposed to it at the first meeting?

13 CHAIRPERSON SANGHVI: Yeah. We've got all  
14 the letters.

15 MR. AGIS: You got all that. I just want to  
16 make sure on that.

17 All right. Thank you.

18 CHAIRPERSON SANGHVI: Anything else for your  
19 presentation? Are you done?

20 MR. AGIS: Yes.

21 CHAIRPERSON SANGHVI: We'll get on to it.

22 Is there anybody else in the audience that  
23 would like to say anything about this case?

1                   Seeing none. Thank you.

2                   Mr. Secretary, is there any correspondence?

3                   MEMBER FERRELL: Yes, Mr. Chair. There were  
4 three letters mailed. Two letters returned. One  
5 approval and zero objections.

6                   MEMBER GRONACHAN: Turn your mics on, please.  
7 They can't hear us in the other room. So if  
8 everybody can speak up a little bit, please.

9                   MEMBER FERRELL: The first letter it says:  
10 "To whom it may concern." It's from Alan DeZell and  
11 Nicole DeZell at 1217 East Lake Drive.

12                   "We are writing to withdraw our objections to  
13 the proposed variance for the shed to be located at  
14 1209 East Lake Drive. Specifically, we no longer have  
15 concerns that the roofline of the proposed shed will  
16 block our water view or negatively impact the overall  
17 appearance of the lakeshore for the neighbors or the  
18 community. Additionally, we understand that they  
19 require additional space to store their water sports  
20 equipment. As all of us know, transporting water  
21 equipment across the street can be hazardous, it will  
22 be helpful for them to be able to safely store all of  
23 their equipment near the water. Thank you."

1                   The next one is an approval from Gordon  
2                   Wilson at 1345 East Lake Drive, Novi.

3                   "My name is Gordy Wilson. I live at 1345  
4                   East Lake Drive, Novi, Michigan. After reviewing the  
5                   drawings with Ms. Lenda, I am in full support of this  
6                   project in granting her a variance. This parcel is  
7                   approximately a hundred feet in width and can easily  
8                   handle the proposed structure. Also, with the  
9                   structure being several feet below the road, it will  
10                  not obstruct the view of the lake. This is exactly the  
11                  type of protect East Lake Drive needs. Thank you for  
12                  taking the time to read my letter. Gordy Wilson."

13                  It look like there's another one. This one  
14                  is from Jodie Condon, C-o-n-d-o-n. No address.

15                  It's in the letter.

16                  "To Whom it May Concern. My name is Jodie  
17                  Condon. I live at 1193 East Lake Drive. In regard to  
18                  the lakefront property at 1209 East Lake Drive, I  
19                  believe the proposed plans to build a 20 by 25 parcel  
20                  by the water would be a beautiful addition to the  
21                  lakefront home. The architecture nicely matches the  
22                  design of the new house and does not obstruct the view  
23                  of the lake from our house or any property nearby. I

1 agree to all plans that they have proposed. I believe  
2 this is a very good addition to the neighborhood."

3 CHAIRPERSON SANGHVI: Thank you.

4 Anything from the City, Mr. Butler?

5 MR. BUTLER: The only one I have is the fact  
6 that this is considerably larger than what is  
7 allowed by code. I would just like to say that.  
8 Otherwise, no other comments from the City.

9 CHAIRPERSON SANGHVI: I'll open it up to the  
10 board.

11 Yes, Mr. Byrwa?

12 MEMBER BYRWA: I'm having a hard time  
13 swallowing the size of this here. I think it sets an  
14 unreasonable precedence. It's like a 500 percent  
15 increase. And to other properties up and down the  
16 beach, I see it kind of setting a precedence where  
17 they'll be in here asking for large structures on the  
18 beach.

19 You're blessed where you can afford a lot of  
20 recreational equipment -- but, you know, if I could  
21 afford 10 cars and I came in here and asked for a  
22 variance for a 10-car garage, that doesn't make it  
23 right for me. Or if I went into my boss and said,

1 "Hey, I want a 500 percent increase," you know, you'd  
2 get laughed out of town.

3 And I understand how negotiations work  
4 sometimes. Sometimes you're willing to settle for  
5 300 square feet. But even 300 square feet is  
6 outrageous. That's a 300 percent increase in the size  
7 out there and it's just an unreasonable departure from  
8 the ordinance that is a hundred square feet in size.  
9 And I worry about it setting a precedent up and down  
10 that beach for large structures.

11 CHAIRPERSON SANGHVI: Thank you. Anybody  
12 else?

13 Yes?

14 MEMBER KRIEGER: I have a question regarding  
15 the term "shed." Because a shed is usually 10 by 10,  
16 is there another word that we would use as an accessory  
17 structure to have so much equipment? I mean, there's a  
18 safety concern. Is shed the right word?

19 MR. BUTLER: Shed is the correct word.  
20 Unless you went out to say it's a garage.

21 MEMBER KRIEGER: Okay. Thank you.

22 CHAIRPERSON SANGHVI: Thank you. Ms. ...

23 MEMBER GRONACHAN: It's Gronachan. I know

1           you've been gone for a while. Welcome back.

2                       CHAIRPERSON SANGHVI: Thank you.

3                       MEMBER GRONACHAN: Well, I pulled the minutes  
4 because I couldn't remember back from the December. I  
5 guess there is a sign.

6                       And I want to thank you for presenting your  
7 information. After all I'm the one that asked for it.  
8 I think that the presentation cleared up some of the  
9 concern despite the previous speaker's comments.

10                      Because I did ask for what was the hardship.  
11 But I'm going to step back from that for a minute, and  
12 this is basically to do a review.

13                      When the petitioner was here in December, it  
14 was not clear to us that this building was only going  
15 to be used for storage. There was a gray area that it  
16 wasn't going to be a party -- a gazebo-type thing. And  
17 so that's why we kept asking for we need to show what  
18 the hardship is.

19                      You -- and I apologize for your last name.

20                      MR. AGIS: Agis.

21                      MEMBER GRONACHAN: Agis.

22                      MR. AGIS: "I haven't seen you in ages."

23                      MEMBER GRONACHAN: There you go.

1           Mr. Agis, I think that you clarified a lot of  
2           what we asked for in the statement: "That the current  
3           building on the property does not serve the purpose of  
4           the modern day items, which the new shed would be able  
5           to. And by having that new shed, it would enable the  
6           petitioner to use this property for what it is intended  
7           for."

8           Having said that, as long as it's not going  
9           to be a gazebo, that it is not going to have an awning,  
10          that it is not going to be a bar, then I would be in  
11          full support of this. Given that statement, also given  
12          your testimony and your presentation, number one.

13          Number two, given the size of the lot and  
14          that it's in proportion.

15          Number three, given the safety factors that  
16          you clearly stated again. Because just because it's a  
17          safety factor, that still isn't a hardship. Okay?  
18          Everybody can have safety issues from where they live.  
19          So -- but to tie it in with the height factor of the  
20          property, the drop from the road, the modern day  
21          equipment and all of those issues, then I would be in  
22          support of this.

23          But with those stipulations -- and I'm going

1 to be very clear about it. Because your petitioner --  
2 the petitioner was not clear in the previous meeting  
3 that we had about the gazebo or the bar or anything  
4 else. So those are my statements and I wanted to get  
5 them on record.

6 And I'll throw it to my other board members.

7 CHAIRPERSON SANGHVI: Thank you.

8 Anybody else?

9 MEMBER NAFSO: Yeah. I just want to say I  
10 think you did a good job of responding to the concerns  
11 we had. In particular -- you know, showing the -- I  
12 think you did a variation of what you have up there,  
13 but, I mean, actually showing the footprint fully  
14 enclosed in -- or the old footprint fully enclosed and  
15 the new footprint is helpful. And I think seeing the  
16 rendering of what this thing looks like makes a  
17 difference.

18 And I think one of the big factors as to why  
19 I support this, and I think that the person that ended  
20 up coming around really realized, that this doesn't  
21 really obstruct the view at all. I mean, you can have  
22 an eight-foot structure that can be completely at road  
23 level, which would come up eight feet higher -- six

1 foot higher than what you have there.

2 So overall I think it looks really good. I  
3 think it's a good complement to the house. And I think  
4 when you put in perspective this lot compared to the  
5 two surrounding lots, I think this makes a lot of  
6 sense.

7 MR. AGIS: Thank you.

8 CHAIRPERSON SANGHVI: Yes, Mr. Ferrell?

9 MEMBER FERRELL: Thank you, Mr. Chair.

10 Let's see. I agree with the first board  
11 member, with what he said as well. I agree with  
12 Ms. Gronachan except -- I agree with the part of not  
13 having it as a party structure. And I agree with yours  
14 as well.

15 The only thing I'm having a hard time with is  
16 I don't think the equipment you're getting to put in  
17 the shed is a hardship. That's a choice. You're  
18 making those choices to buy those specific items to use  
19 on your property. I also agree that the height of the  
20 shed is okay. I think with the views from the upper  
21 part. I just think the size is a little excessive and  
22 I'm a little concerned with the other neighbors wanting  
23 bigger sheds to make their accessory buildings. I look

1 at this as like an accessory building. This isn't  
2 really a shed. This is huge.

3 I get that you want to store things in it, a  
4 larger size, but I don't know. I'm just having a hard  
5 time with the size of that. So I just kind of wanted  
6 to get that out there, too. But I don't really know  
7 unless the board members have some other suggestions on  
8 sizewise. It seems like some are okay with it and some  
9 aren't. So I don't know.

10 That's it, Mr. Chair. Thank you.

11 CHAIRPERSON SANGHVI: Thank you. Anybody  
12 else?

13 Yes?

14 MEMBER PEDDIBOYINA: Thank you for the good  
15 presentation. And I agree with you on the practical  
16 difficulties of all this equipments and the crossing  
17 the road and the other board members what they said. I  
18 have no objections. I like it. Thank you.

19 CHAIRPERSON SANGHVI: Thank you.

20 Yes?

21 MEMBER GRONACHAN: Round two. I would just  
22 like to add, maybe to help Member Ferrell on this, not  
23 to sway or anything, but I'm going to put it out there.

1           So I do agree that some of the ordinances on  
2           the books from time to time need to get reviewed and  
3           re-evaluated as times change. That's why our building  
4           department and the city council does go and look at  
5           this. And this may be something that this may have to  
6           be taken under advisement so in the future people don't  
7           come and ask for a thousand square feet on a hundred  
8           foot wide piece of property.

9           I'm not worried about other cases coming to  
10          us. This case is -- the decision that we make on this  
11          property is with this property.

12          And I think that when we make the motion, if  
13          we decide to move forward with this, that that's what  
14          our words are going to address.

15          When we look at other cases, we tell people  
16          that each case is standing on its own merit. And  
17          although we draw from other cases for experience  
18          purposes, I don't think any of us really use that  
19          material to make a decision on each case.

20          So having said that, for this particular case  
21          alone, that's why I feel comfortable. I think that the  
22          petitioner did present -- address 90 percent of our  
23          concerns. And I think that the ordinance does need to

1 be put under review and we should forward that to the  
2 building department to take it under advisement.

3 Because things have changed. You know, it's not the  
4 same boat anymore. It's not the same inner tube and I  
5 think that has to be taken into consideration.

6 And I do agree that this building is large.  
7 However, given the lay of the property, it's not the  
8 petitioner's fault that their house is up on a hill and  
9 their lake is, you know, three or four hundred feet  
10 away downhill. And when you're spending that kind of  
11 money -- and that's not an excuse. But I'm just saying  
12 when you're spending that kind of money, you want to be  
13 able to use the property. And I feel that a hundred  
14 feet just wouldn't do it.

15 So that's where I'm coming from, if that  
16 helps any.

17 CHAIRPERSON SANGHVI: Thank you.

18 Anybody else?

19 Yes?

20 MEMBER FERRELL: Sure. Do you know the size  
21 of the sheds on the adjacent properties? Because you  
22 guys were referring to the property size of 40 feet on  
23 your size. As far as any of the others, do you know

1 what size the sheds are?

2 MR. AGIS: On either side of them are 40 foot  
3 property.

4 I have been tubing on this lake since I was  
5 in a truck tube. So I have seen the houses and the  
6 lots getting bigger. And I think you're correct in  
7 addressing each one individually. You wouldn't want to  
8 put this big of a shed on a 40-foot lot.

9 So there is another shed that's 20 foot?

10 MR. SHPILBAND: 20 By 20.

11 MR. AGIS: 20 by 20 on an 80-foot lot down  
12 the street. We're not bringing that up. But you just  
13 asked if there was other ones.

14 And you have seen the houses on this lake.  
15 The stuff is scattered all over their lawns. You know,  
16 there is other lakes that we would like them to get a  
17 shed and put everything in it, you know. There's some  
18 of those. There's some things like that as well.

19 But -- and I -- the zoning member that -- I  
20 think when Adrienne came here, you know, she did not  
21 come before a Zoning Board commission before.

22 There's no running water in this. Just to  
23 let you know. There's no running water. There's no

1 plans on making it any kind of a bar or any type of a  
2 gazebo. These have retractable doors that go up into  
3 it so she can get these large items in there.

4 And I'm over 50 and we're not getting any  
5 younger. Just getting to and from the water from the  
6 shed, you know, you want to do your exercising on the  
7 water, not pull your back out trying to get it up a  
8 driveway. So I appreciate all that and I do agree with  
9 you on individual considerations.

10 Because the times are definitely changing and  
11 they're going to change. They're changing faster on  
12 that lake every month.

13 CHAIRPERSON SANGHVI: Anybody else?

14 MEMBER GRONACHAN: I have a motion, if you're  
15 ready for one. If there's not any further discussions.

16 CHAIRPERSON SANGHVI: I'll make my own  
17 comments.

18 MEMBER GRONACHAN: Okay.

19 CHAIRPERSON SANGHVI: Number one, as far as  
20 the updating the ordinance and everything, that is the  
21 function of the -- that is a legislative function and  
22 that is the function of the elected officials. It's  
23 not our function. So we have to interpret what is on

1 the books.

2 Okay. We can't rewrite the ordinance for any  
3 specific case, that's not our job. And I think you  
4 need to remember that every time we look at all these  
5 cases.

6 I know maybe the city council is not  
7 up-to-date with it, but that is not our business. I  
8 think we need to be very clear about it. So when they  
9 get around to updating, hopefully they'll redo it and  
10 it will come up-to-date. But I don't know of any city  
11 around here which is really up-to-date in organizing  
12 their ordinances because times keep changing faster  
13 than this kind of work that gets done by the councils.

14 MR. AGIS: Yes, sir.

15 CHAIRPERSON SANGHVI: Whatever legislature  
16 mandates goes all the way up into the congress, but we  
17 won't go into that.

18 But as far as this particular case is  
19 concerned, the current ordinance prescribes a specific  
20 size of the shed. And we are talking about here the  
21 size of this five times greater than what is allowed  
22 under the ordinance and that is where the hardship  
23 comes in the picture and that is where the

1 interpretation comes into the picture. And to be quite  
2 honest, I'm very happy that you mentioned all the  
3 things you are going to keep there. And I am so glad  
4 that you can afford all those equipment to be kept  
5 there, but the fact still remains, that the ordinance  
6 is at a particular level and you are asking for five  
7 times the size. And I am not quite happy about that  
8 substantial increase in the size of the thing.

9 But that's just my point of view and every  
10 member of the board here has their own individual  
11 opinions.

12 So, having said that, I will entertain a  
13 motion in whatever way you want to.

14 MEMBER GRONACHAN: I'll go ahead with it.

15 We'll give it a shot. In case number  
16 PZ17-0055, I move that we grant the variance in this  
17 case sought by petitioner ...

18 CHAIRPERSON SANGHVI: Adrienne Lenda.

19 MEMBER GRONACHAN: Just hang on. I'll get  
20 there. Just one second. Sorry.

21 Adrienne Lenda for the building of the  
22 proposed 500 square foot shed on the waterfront because  
23 the petitioner has shown a practical difficulty

1 requiring an increase of this building.

2 Without the variance, the petitioner would be  
3 unreasonably prevented or limited with respect to use  
4 of the property, which is a lakefront property. The  
5 current building, which meets the current ordinance,  
6 does not serve the purpose of the modern day items  
7 which this new shed would be able to house and  
8 protect -- I'm sorry. Which would be able to house and  
9 protect.

10 The property is unique because it is split.  
11 Providing two separate pieces of property with height  
12 variances which cause a safety feature with the road in  
13 between the two pieces of property. The petitioner did  
14 not create this condition because it was in existence  
15 upon purchase.

16 The relief granted will not unreasonably  
17 interfere with the adjacent or surrounding properties  
18 as stated by the surrounding neighbors with their  
19 letters of approval and in agreement to this  
20 petitioner's request.

21 The relief is consistent with the spirit and  
22 intent of the ordinance because it enables this  
23 petitioner to use the property, which is a lakefront

1 property, for the summer months or the winter months by  
2 housing the equipment and the items that they purchased  
3 to enjoy their property and also to expand their  
4 professional business. So, therefore, I move that this  
5 variance be granted.

6 CHAIRPERSON SANGHVI: Thank you.

7 Yes?

8 MS. SAARELA: Can I suggest adding what you  
9 had mentioned as that the size of the shed is not  
10 disproportionate to the size of the property so it does  
11 not impact the surrounding?

12 MEMBER GRONACHAN: The size of the shed does  
13 not have a negative impact because it is not  
14 disproportionate to the size of this current  
15 property.

16 MS. SAARELA: And you also mentioned that you  
17 wanted to add conditions about not using it as a gazebo  
18 or bar.

19 MEMBER GRONACHAN: And state those conditions  
20 that this shed would be used as storage only, no gazebo  
21 and no bar or for entertainment purposes.

22 Would that clarify? Is that broad, the  
23 entertainment, or is that ...

1 MS. SAARELA: If that's what your intent  
2 was.

3 MEMBER GRONACHAN: Yes. Thank you.  
4 So I need a second.

5 MEMBER NAFSO: Second.

6 CHAIRPERSON SANGHVI: Motion has been made  
7 and seconded. Any other comments by anybody?

8 Seeing none, Madame Secretary, call the roll.

9 MS. OPPERMAN: Member Byrwa?

10 MEMBER BYRWA: No.

11 MS. OPPERMAN: Member Ferrell?

12 MEMBER FERRELL: No.

13 MS. OPPERMAN: Member Gronachan?

14 MEMBER GRONACHAN: Yes.

15 MS. OPPERMAN: Member Krieger?

16 MEMBER KRIEGER: Yes.

17 MS. OPPERMAN: Member Nafso?

18 MEMBER NAFSO: Yes.

19 MS. OPPERMAN: Member Peddiboyina?

20 MEMBER PEDDIBOYINA: Yes.

21 MS. OPPERMAN: Motion passes.

22 MR. AGIS: Thank you all.

23 MEMBER GRONACHAN: Did she call you?

1 CHAIRPERSON SANGHVI: No.

2 MS. OPPERMAN: Oh, my goodness. Chairperson  
3 Sanghvi?

4 CHAIRPERSON SANGHVI: I said no.

5 MS. SAARELA: Is it four to four?

6 MS. OPPERMAN: It's four to three.

7 Motion passes, four to three.

8 MEMBER GRONACHAN: So the motion does pass?

9 MR. AGIS: We passed?

10 MEMBER GRONACHAN: You passed.

11 MR. AGIS: Thank you all for listening. And  
12 we can't wait to become an active part of the  
13 neighborhood as well. Thank you very much for your  
14 time.

15 CHAIRPERSON SANGHVI: Moving on with the next  
16 case.

17 MEMBER PEDDIBOYINA: Good luck.

18 CHAIRPERSON SANGHVI: PZ18-001, Mamnoon  
19 Siddiqui/Siddiqui Orthodontics, 27250 Wixom Road, east  
20 of Wixom Road and south of Grand River, parcel number  
21 50-22-17-101-024. The applicant is requesting a  
22 variance from the City of Novi Zoning Ordinance Section  
23 5.4 to eliminate the requirement for a loading and

1 unloading zone. The loading zone is required by code.

2 This property is zoned light industrial.

3 Is the applicant here?

4 MR. ABDELNOUR: Yes.

5 CHAIRPERSON SANGHVI: Will you please  
6 identify yourself with your name and address. And if  
7 you're not an attorney, please be sworn in by our  
8 secretary.

9 Thank you.

10 MR. ABDELNOUR: My name is Ghassan Abdelnour  
11 from GAV & Associates Architects. I am here presenting  
12 with the owner, who is here with me tonight, Dr.  
13 Siddiqui.

14 My name is Ghassan, G-h-a-s-s-a-n, Abdelnour,  
15 A-b-d-e-l-n-o-u-r.

16 MEMBER FERRELL: Are you an attorney?

17 MR. ABDELNOUR: No.

18 MEMBER FERRELL: Go ahead and raise your  
19 right hand. I'll swear you in.

20 Do you swear to tell the truth in this case?

21 MR. ABDELNOUR: Yes, sir.

22 MEMBER FERRELL: Okay.

23 MR. ABDELNOUR: Actually, we're here in front

1 of you to kind of present this new project. The owner  
2 bought this property and it used to be an existing  
3 bank. We're trying to change it to a medical building.  
4 And we're keeping the existing square footage of the  
5 existing building. It's close to 4,200 square feet and  
6 we're taking the area that used to be the drive-thru  
7 and we're adding an office next to it. It's around  
8 2,669 square feet.

9 The existing building would be used for  
10 medical center for like a regular doctor's office and  
11 the new addition we'll be using it for an orthodontist  
12 office.

13 And with the help of the Planning Department  
14 and with the City of Novi, we come up with a new site  
15 plan and revision to the existing site. That we made  
16 the site works as a two-way street and we added more  
17 parking and we added more landscaping. And we just  
18 kind of -- we tried to meet all the requirements of the  
19 setbacks and the parking.

20 The only part that we were having -- kind of  
21 going through the process with the City was that  
22 loading area. According to the zoning, here is like  
23 you can use it as a office, but originally it's an

1 industrial zoning. And the existing zoning asks for  
2 75 by 10 feet, 75 feet by 10 loading area.

3 And this type of business, the doctor -- it's  
4 orthodontist and it's a family doctor. And we don't  
5 have actually trucks or anybody coming to this office  
6 for a loading area. The maximum we usually get, we get  
7 a van or we get, like, somebody stops in the parking  
8 structure to take some medicine or stuff like this or  
9 maybe bringing a patient or something. And that's  
10 usually used where the handicapped parking is.

11 But besides this -- the hardship that we  
12 face, that if we add the 75 feet by 10, that almost  
13 going to take four parking area that nobody will  
14 actually would be using and because we don't have any  
15 of these trucks coming in.

16 So our hardship is we're asking you if you  
17 can help us relieving that requirement. And I think we  
18 would like to kind of explain what we need to do.

19 But, actually, as a medical center, we don't  
20 need that loading area because we don't have anything  
21 to load or to fill. So I'll take any questions from  
22 you.

23 MEMBER GRONACHAN: Do you have your diagram

1 with you?

2 MR. ABDELNOUR: Yes.

3 MEMBER GRONACHAN: Would you please put it up  
4 on there.

5 (Document displayed.)

6 MEMBER GRONACHAN: Thank you.

7 MR. ABDELNOUR: So actually, this part here,  
8 this is the existing building. And the new addition is  
9 that little area over here. And we kind of created --  
10 we fixed the driveway. It used to be one-way on the  
11 back of the property. Actually, we're pushing all the  
12 curbs, like, maybe two feet to make it two-way to meet  
13 the City requirement. And we're fixing all this area  
14 here. We're adding all the landscaping required and  
15 we're adding, like, the bicycle racks and all the kind  
16 of requirement that the City -- it's in the code.

17 But the only part that -- the only area that  
18 we can put a loading zoned area is in this side here.  
19 And, actually, if you take this whole area -- the  
20 requirement is 75 feet. With 75 feet, you're going to  
21 take almost eight cars. Because every parking is 10  
22 feet. So we're going to be losing eight parking just  
23 to add a loading area that actually is not going to be

1 used with this use. This is a medical use. And  
2 really, there is really no use for it.

3 Even with the bank, it used to be they didn't  
4 have a loading area. The only thing is they had a  
5 drive-thru that goes in that area. They have three  
6 lanes that's used as a drive-thru.

7 And we just ask you to kind of help us in  
8 that situation.

9 For the building itself, it's going to look  
10 something like this.

11 So this part here, this is the newly added  
12 upper 2,669 square feet addition. That's where the  
13 orthodontist is going to be. And the tower area, this  
14 is where the existing building that used to be part of  
15 the bank. And we're trying to kind of put the building  
16 all together and matching the brick and the materials  
17 so to make it look like it's not an addition to make it  
18 look like one full building.

19 But our hardship, I will say it again,  
20 there's really no use to lose eight cars to be able to  
21 put a loading area. So, really, the doctor doesn't use  
22 it. And that's really what we have to say. And I  
23 would like to get your questions.

1 CHAIRPERSON SANGHVI: That's it?

2 MR. ABDELNOUR: Yes.

3 CHAIRPERSON SANGHVI: Thank you.

4 Is there anybody in the audience who would  
5 like to address the board regarding this case?

6 If there is none, we'll close the public  
7 remark section and go on to Mr. Secretary.

8 MEMBER FERRELL: Yes, Mr. Chair. There was  
9 15 letters mailed. One letter returned. Zero  
10 approvals. Zero objections.

11 CHAIRPERSON SANGHVI: Very good.

12 Mr. Butler?

13 MR. BUTLER: Yeah. For him to express that  
14 the taking away that amount of parking, it was  
15 determined that, yeah, we kind of agreed that that  
16 would impact the clients coming in there. They'd lose  
17 eight spaces and that may provide some difficulties for  
18 the functioning businesses.

19 CHAIRPERSON SANGHVI: Thank you.

20 Well, as far as I'm concerned, I went and saw  
21 your property the day before yesterday, actually and  
22 looked around. That was, I think, a bank and they had  
23 a drive-in situation in the back and you are renovating

1 everything and increasing the work space in the  
2 building itself. As far as this kind of building is  
3 concerned, I agree you don't need a loading and  
4 unloading zone. So as long as the property is being  
5 used for medical or dental use, I have no problem with  
6 your variance request. Thank you.

7 Open it up to the board.

8 Yes, Mr. Byrwa?

9 MEMBER BYRWA: Yeah. I'm a little confused  
10 on the parking there. Usually when you add square  
11 footage you add parking. There's an addition to the  
12 parking requirements. I was wondering what the net  
13 gain or loss in parking is and what is required by  
14 ordinance for that square footage.

15 MR. ABDELNOUR: I can answer that.

16 Actually, by the existing building and the  
17 new addition, the requirement is 39 cars point seven.  
18 And we provide now 40 cars. So we meet the requirement  
19 for parking for medical.

20 We have almost the exact number. A little  
21 bit more than the exact number.

22 MEMBER BYRWA: And you're saying that you  
23 would be able to get eight more parking spaces in if

1 you don't get the loading dock in?

2 MR. ABDELNOUR: No, I don't. Because I said  
3 we might be able -- we would be losing eight parking  
4 spaces. We may be having some hardship meeting the  
5 requirement of the parking. If we take eight cars, we  
6 won't be meeting the requirement of the City.

7 MEMBER BYRWA: Right. So do they need a  
8 parking variance on this here, then?

9 MR. BUTLER: Actually, no. They only need a  
10 variance of whether they get the loading area or not.  
11 That's what they're requesting.

12 MEMBER BYRWA: Okay. So how many spaces is  
13 the lot increasing by?

14 MR BUTLER: The lot, if I remember right,  
15 they had 40.

16 Was that 40 spaces you have now?

17 MR. ABDELNOUR: Yes.

18 MR. BUTLER: That they made in the lot with  
19 the addition put on. By putting in an offloading zone,  
20 he would lose approximately eight of those spaces. So  
21 he's asking for the variance to not put in a loading  
22 area.

23 MEMBER BYRWA: My understanding is that the

1 existing parking you are saying was 40 and then he  
2 built a -- what is the square footage of the addition  
3 there?

4 MR. BUTLER: No. The existing -- the parking  
5 that he has right now is 40. What was there with the  
6 bank was totally different. I'm not sure what was  
7 there when it was just a bank, but he put on that  
8 addition to the building.

9 MR. ABDELNOUR: We added nine cars from the  
10 existing.

11 MR. BUTLER: Yeah.

12 MR. ABDELNOUR: The existing one used to be  
13 31 cars.

14 MEMBER BYRWA: Okay. So we're going from 31  
15 to 40 to accommodate the additional square footage,  
16 right?

17 MR. ABDELNOUR: Correct.

18 MR BUTLER: Yes.

19 MEMBER BYRWA: Thank you for the  
20 clarification.

21 CHAIRPERSON SANGHVI: Yes.

22 MEMBER GRONACHAN: Thank you, Mr. Chair.

23 So how many businesses are going to be in

1 this?

2 MR. ABDELNOUR: Two. The orthodontist office  
3 and the regular medical office.

4 MEMBER GRONACHAN: Okay. I have a question  
5 for the City. So this was zoned light industrial?

6 MR. BUTLER: Yes, it was.

7 MEMBER GRONACHAN: And I have to admit that  
8 I'm not up to my zoning on the light industrial. So  
9 how did this get into the light industrial area?

10 MR. BUTLER: That was done at the planning  
11 end of the deal where they were authorizing to put that  
12 in. I don't believe they rezoned that. I believe it's  
13 still light industrial.

14 MEMBER GRONACHAN: Okay. And that's why they  
15 need the variance?

16 MR. BUTLER: That's correct.

17 MEMBER GRONACHAN: That's why they need the  
18 variance, because the zoning wasn't changed.

19 MR. BUTLER: Correct.

20 MEMBER GRONACHAN: And that the Planning  
21 Commission allowed this business to be in the light  
22 industrial?

23 MR. BUTLER: Yes.

1                   MEMBER GRONACHAN: Then maybe I do know about  
2 zoning.

3                   I don't have any objections. I think that  
4 your presentation indicates that due to the size of the  
5 lot and your addition, there's no need -- given to the  
6 type of business that you have. There is no need for a  
7 loading and unloading and it would be silly for us to  
8 not approve this based on the zoning, the current  
9 zoning of the property.

10                   So I will be in support of your request.

11                   CHAIRPERSON SANGHVI: Anybody else?

12                   Seeing none, I would entertain a motion.

13                   MEMBER GRONACHAN: Brent?

14                   CHAIRPERSON SANGHVI: Go ahead.

15                   MEMBER FERRELL: Thank you.

16                   Okay. I move that we grant the variance in  
17 case number PZ18-0001, sought by the petitioner for the  
18 elimination of the loading and unloading zone because  
19 the petitioner has shown practical difficulty with no  
20 need for a loading zone due to the type of business  
21 which is going to be used for medical and ...

22                   Orthodontic?

23                   MR. ABDELNOUR: Orthodontist.

1 MEMBER FERRELL: Without the variance, the  
2 petitioner will be unreasonably prevented or limited  
3 with respect to the use of the property because they  
4 would lose eight parking spaces if they were to keep  
5 the requirement for the loading and unloading zone.

6 The property is unique because it is being  
7 reconditioned from a bank to a medical use facility.  
8 The petitioner did not create the condition due to  
9 zoning requirements from light industrial to ...

10 Member Gronachan, can you help me out with  
11 that since you just learned your new zoning?

12 MEMBER GRONACHAN: That it is currently zoned  
13 light industrial.

14 MEMBER FERRELL: Light industrial one, is it?

15 MR. BUTLER: Yes.

16 MEMBER FERRELL: Okay. The relief being  
17 granted will not unreasonably interfere with adjacent  
18 or surrounding properties. The relief is consistent  
19 with the spirit and intent of the ordinance.

20 CHAIRPERSON SANGHVI: Thank you.

21 MEMBER GRONACHAN: Second.

22 MEMBER KRIEGER: Second.

23 CHAIRPERSON SANGHVI: The motion has been

1 made and seconded.

2 Can I just make an additional comment, with  
3 your permission granted?

4 MEMBER FERRELL: Absolutely.

5 CHAIRPERSON SANGHVI: So long as the business  
6 is medical and dental, this approval will continue. If  
7 the nature of the business changes, then we might have  
8 to come back for loading and unloading later on.

9 MEMBER FERRELL: I agree.

10 CHAIRPERSON SANGHVI: Do you accept?

11 MEMBER KRIEGER: Yes.

12 CHAIRPERSON SANGHVI: All right.

13 Madame Secretary, please call the roll.

14 MS. OPPERMAN: Member Byrwa?

15 MEMBER BYRWA: Yes.

16 MS. OPPERMAN: Member Ferrell?

17 MEMBER FERRELL: Yes.

18 MS. OPPERMAN: Member Gronachan?

19 MEMBER GRONACHAN: Yes.

20 MS. OPPERMAN: Member Krieger?

21 MEMBER KRIEGER: Yes.

22 MS. OPPERMAN: Member Nafso?

23 MEMBER NAFSO: Yes.

1 MS. OPPERMAN: Member Peddiboyina:

2 MEMBER PEDDIBOYINA: Yes.

3 MS. OPPERMAN: And Chairperson Sanghvi?

4 CHAIRPERSON SANGHVI: Yes.

5 MS. OPPERMAN: Motion passes.

6 CHAIRPERSON SANGHVI: Thank you.

7 MR. ABDELNOUR: Thank you.

8 MEMBER GRONACHAN: Thank you. Welcome to  
9 Novi and good luck.

10 MS. OPPERMAN: Pardon me?

11 MEMBER GRONACHAN: Yes.

12 MS. OPPERMAN: Our recording secretary asked  
13 that we take a short break so that she might be able to  
14 use the facilities.

15 MEMBER GRONACHAN: Do you want to call for a  
16 break for five minutes, please?

17 CHAIRPERSON SANGHVI: You want a break?

18 All right. We'll adjourn for five minutes.  
19 We'll adjourn for five minutes and come back in five  
20 minutes.

21 (At 7:58 p.m., matter adjourned.)

22 (At 8:03 p.m., matter resumed.)

23 CHAIRPERSON SANGHVI: We will resume.

1                   The next case on the agenda is PZ18-0003 -- I  
2                   beg your pardon.

3                   MR. BUTLER: Two. You skipped one.

4                   CHAIRPERSON SANGHVI: PZ18-002, ID  
5                   Enterprises, 41875 Carousel Drive, east of Novi Road  
6                   and north of Twelve Mile Road. Parcel number  
7                   50-22-02-400-011. The applicant is requesting a  
8                   variance from the City of Novi Zoning Ordinance Section  
9                   28-5(f)(3) to allow a proposed replacement sign located  
10                  one foot from the right of way and 10 foot distance  
11                  required by code. This property is zoned Mobile Home.

12                  Is the applicant here? Please come forward.

13                  (No response.)

14                  MEMBER GRONACHAN: After all of that, they're  
15                  not here.

16                  CHAIRPERSON SANGHVI: No. the applicant is  
17                  not here.

18                  Madame Secretary, anything?

19                  MS. OPPERMAN: There was no contact to me.

20                  CHAIRPERSON SANGHVI: Okay. Well, with your  
21                  permission --

22                  MEMBER KRIEGER: Yes.

23                  CHAIRPERSON SANGHVI: -- we'll table this and

1 we'll call it last on the list.

2 And we'll go on the to next case, if the  
3 applicant is here. It is PZ18-0003, Kensington Family  
4 Homes, east of Beck Road and south of Eleven Mile Road.  
5 Parcel number 50-22-21-103-003.

6 The applicant is requesting a variance from  
7 the City of Novi Zoning Ordinance Section 3.1.1 for a  
8 side yard setback variance of 9.68 feet. For an  
9 aggregate total of 40.32 feet, 50 feet is required by  
10 code. This property is zoned residential acreage.

11 And the applicant is here. Can you please  
12 identify yourself with your name and address and if you  
13 are not an attorney, please be sworn in by our  
14 secretary.

15 Please go ahead.

16 MS. LONGO: Hi. I'm Julie Longo I live at  
17 47501 Airplay Court, Novi, Michigan.

18 MEMBER FERRELL: Can you spell your last  
19 name?

20 MS. LONGO: L-o-n-g-o.

21 MEMBER FERRELL: Okay. Are you an attorney?

22 MS. LONGO: I am not an attorney.

23 MEMBER FERRELL: Go ahead and raise your

1 right hand.

2 Do you swear to tell the truth in this case?

3 MS. LONGO: Yes, I do.

4 MEMBER FERRELL: Okay. Go ahead.

5 MS. LONGO: I am a local resident and a small  
6 business owner. We have a client looking to build a  
7 modest, aesthetically pleasing home here in Novi.  
8 They're currently renting. Trying to stay within the  
9 Novi school district. They have an interest in the lot  
10 located at 42245 Eleven Mile.

11 Their home design requires -- I'm sorry.

12 Excuse me.

13 Their home design is 39.8 feet wide.

14 We meet the RA zoning front setback  
15 requirement of 45 feet. We meet the rear setback of  
16 50 feet. We meet the -- on the west side we have our  
17 20-foot side setback, but on the east side we are -- we  
18 fall short 9.68 feet.

19 We're requesting a reduction in our side  
20 setback.

21 CHAIRPERSON SANGHVI: That's it?

22 MS. LONGO: That is it.

23 CHAIRPERSON SANGHVI: Thank you.

1 MS. LONGO: Thank you.

2 CHAIRPERSON SANGHVI: Is there anybody in the  
3 audience who would like to address the board regarding  
4 this case?

5 Seeing none, I will close the --

6 MEMBER FERRELL: No. No.

7 CHAIRPERSON SANGHVI: I do?

8 Go ahead. Please come and identify yourself,  
9 your name and address.

10 MR. WEINERT: My name is Rick Weinert. I  
11 live at 47235 Eleven Mile Road. I own the home right  
12 next to the property that is requesting the variance.

13 MEMBER FERRELL: Can you spell your last  
14 name, please?

15 MR. WEINERT: W-e-i-n-e-r-t.

16 MEMBER FERRELL: Okay. Go ahead.

17 MR. WEINERT: And I'm not a lawyer.

18 CHAIRPERSON SANGHVI: Go ahead.

19 MEMBER FERRELL: That's fine.

20 MR. WEINERT: So my main concern with the  
21 variance is that it is encroaching on my property.  
22 They're looking for the variance coming closer to my  
23 property.

1           This particular lot does not perc. We do not  
2           have sewers; therefore, we require septic fields.  
3           Because this lot doesn't perc, they're going to have to  
4           put in a septic field, usually an engineered septic  
5           field. My concern really is the water egress. They're  
6           putting a fairly large home that's going to take about  
7           25 percent of this lot on a lot that doesn't perc.

8           Where is the runoff going to go? I want to  
9           make sure there's not a negative impact to my property.

10          The raised engineered field raises concerns  
11          for me. You know, a large home with the additional  
12          water runoff with -- you know, putting undue stress on  
13          my septic system.

14          And I have a basement. I probably shouldn't  
15          have a basement. The water table is so high that my  
16          sump pump runs constantly. If we lose power, my  
17          basement floods.

18          So with the additional water and stuff like  
19          that with the home, you know, that's really my concern  
20          is, you know, what are they going to do when they build  
21          the home and the grade level and making sure that  
22          there's not a negative impact or stress to my system.

23          THE COURT: Thank you, sir.

1 Anybody else?

2 Seeing none. We'll close the public remark  
3 section.

4 Mr. Secretary, go ahead with correspondence.

5 MEMBER FERRELL: Yes, Mr. Chair.

6 There was 23 letters mailed. One letter  
7 returned, one approval. Three objections.

8 The first objection is from Farouk,  
9 F-a-r-o-u-k, middle initial I think it's "E.L". The  
10 last name is D-a-m-o-u-n-i. At 47250 West Eleven Mile  
11 Road, Novi, Michigan 48374.

12 "The property has been tested before and it  
13 failed numerous times. As a reminder, there is no  
14 sewage on Eleven Mile at this time. I do not want my  
15 property to be effected by land elevation changes."

16 The next one is an approval from Kurt,  
17 K-u-r-t, Smith, S-m-i-t-h, 9238 C-o-r-i-n-n-e,  
18 Plymouth, Michigan 48170.

19 "The owner of the property is trying to sell  
20 to get out. It would be nice to see the new buyers to  
21 be able to build a house. Thank you."

22 The next is an objection from R.M. Weinert,  
23 W-e-i-n-e-r-t at 47235 Eleven Mile Road.

1 MR. WEINERT: That's me.

2 MEMBER FERRELL: That's you.

3 MR. WEINERT: Yes.

4 MEMBER FERRELL: Okay. Well, I'm going to  
5 read your letter anyway.

6 "The parcel on Eleven Mile Road has a very  
7 high water table, clay soil and has failed perc tests  
8 on numerous occasions. Any grade elevation changes,  
9 raised engineering, septic field and large building  
10 structures will negatively impact neighboring  
11 properties with additional water runoff. For these  
12 reasons, I object to a proposed setback variance."

13 This is from Linda and David Mackay,  
14 M-a-c-k-a-y at 47175 West Eleven Mile Road, Novi,  
15 Michigan 48374.

16 "Being part of Pioneer Meadows subdivision,  
17 we are sure all lights (sic) are single family. Not in  
18 favor of side yard setback variance of this lot. If  
19 the structure would be compared to the structures  
20 around it in our area, that would be fine. But no  
21 variance."

22 That is it.

23 CHAIRPERSON SANGHVI: Thank you very much.

1 Mr. Butler?

2 MR. BUTLER: Yes. We did look at it. And by  
3 reviewing the plot, we saw that their wetland floods on  
4 back behind the property. So they will just have to  
5 take into consideration the elevation and the slope of  
6 the property to ensure the proper drainage so it is not  
7 going off to the sides and straight to the back.

8 If I remember right, they are on a corner lot  
9 and there is no house on the side of them.

10 Yeah, I'm correct on that one.

11 But that's just going to have to be taken  
12 into it when they go to do the construction and make  
13 sure the elevation and the drainage is considered.

14 CHAIRPERSON SANGHVI: Thank you.

15 I have a question for you.

16 MR. BUTLER: Yes.

17 CHAIRPERSON SANGHVI: Is there any plans to  
18 have a city sewer system around here?

19 MR. BUTLER: That, I'm not aware of any  
20 future plans on that one, no.

21 CHAIRPERSON SANGHVI: Aren't there too many  
22 places in the city of Novi that don't have a public  
23 sewer system?

1 MR. BUTLER: There are a few places. And I  
2 know that even since I have been herethere's a few  
3 places where the sewer is slowly going into some of the  
4 places, but it's a slow process.

5 CHAIRPERSON SANGHVI: Thank you. I always  
6 worry about septic tanks and problems sometimes it  
7 creates, but that's besides the point at this end.

8 Okay. I'll open it up to the board.  
9 Anybody?

10 Yes, Mr. Byrwa?

11 MEMBER BYRWA: Yeah. I was looking at the --  
12 kind of like the plot plan here and it looked like  
13 there was some room out the front and a little room out  
14 the back. I think the front yard is requiring a  
15 45-foot setback and the rear yard is requiring a  
16 50-foot setback. I was wondering if there was a floor  
17 plan that could be designed that would push the front  
18 and rear setbacks to the limit and then minimize that  
19 side yard setback?

20 MS. LONGO: I'm sure that there is. That  
21 would make this a 30-foot wide home. So we're trying  
22 to do something that builds value for their subdivision  
23 that is aesthetically pleasing and you would be

1 hard-pressed to find something that is 30 feet wide  
2 that would improve the look of a community. It would  
3 be something kind of forced and engineered.

4 So that's why we went with a 39-foot product.  
5 Again, they're not trying to push the envelope here.  
6 You know, they're trying to stay modest but, again,  
7 staying aesthetically pleasing to the neighborhood.

8 MEMBER BYRWA: Okay. Thank you.

9 CHAIRPERSON SANGHVI: Anybody else?

10 MEMBER GRONACHAN: I have a question for the  
11 city attorney.

12 It's been awhile since we've had a case like  
13 this because there's been -- there's not as much  
14 individual building out there anymore. And I want it  
15 on record that the Zoning Board, do we or do we not,  
16 have any duty in regards to water runoff drainage or  
17 wetlands?

18 MS. SAARELA: No. That would be determined  
19 by Building at the time of plan review. When they  
20 submit their plot plan for review that would all be  
21 handled by Community Development.

22 MEMBER GRONACHAN: Okay.

23 MS. SAARELA: If there is any problems there,

1 it would go to a Construction Board of Appeals or  
2 whatever other. If there was any variance, it would be  
3 handled separately.

4 MEMBER GRONACHAN: So, again, for the record,  
5 because of the amount of complaints or objections that  
6 are in this file, I want it on the record that the  
7 Zoning Board does not have any jurisdiction, if you  
8 will, in regards to the wetland runoff, the water  
9 runoff. So when we're voting, the only thing that  
10 we're looking at tonight is this request for this side  
11 yard setback?

12 MS. SAARELA: Correct. And just fitting it  
13 into the standards that you look at for a zoning  
14 variance.

15 MEMBER GRONACHAN: Okay. So I'm not going to  
16 talk about water or runoff or anything else?

17 MS. SAARELA: Correct. That would be part of  
18 a more detailed plan.

19 MEMBER GRONACHAN: Exactly. So the purpose  
20 of this meeting this evening and for this case only is  
21 that we're looking to see if the criteria is met for  
22 the variance of nine feet and that everything else  
23 about the septic and all that will be held by another

1 department?

2 MS. LONGO: Yes.

3 MEMBER GRONACHAN: Okay. Given that  
4 information, I think that this is a minimal request.  
5 And I agree that to go for the front or the back, then  
6 you have got to narrow the house. And I don't see that  
7 that's going to happen. I think it would be a 900  
8 square foot house at that point and that doesn't even  
9 fit.

10 Would it? Would it be even smaller with  
11 that?

12 MS. LONGO: I mean, you can do a lot in that,  
13 but, you know, you're going up and there's high.  
14 Again, for us --

15 MEMBER GRONACHAN: My point was that it  
16 doesn't fit with the rest of the houses, the similar  
17 houses in the ...

18 MS. LONGO: Yeah. I brought this. I hope I  
19 have this right side up first try.

20 So you're right. Most of the homes are wide  
21 on the lot. They're not deep on their lots.

22 So this is two down, I believe. And then  
23 this one here is the neighboring home.

1                   So you're right. That street there, Eleven  
2 Mile, the homes are more wide than they are deep. So  
3 it would be a unique structure to have kind of a deep,  
4 narrow home sitting there on Eleven Mile.

5                   MEMBER GRONACHAN: Okay. That's the only  
6 question I have.

7                   CHAIRPERSON SANGHVI: Thank you.

8                   MEMBER GRONACHAN: And I'll turn it over to  
9 the rest of the board members.

10                  CHAIRPERSON SANGHVI: Okay.

11                  MEMBER FERRELL: I had a question for the  
12 city attorney. So we don't take any consideration at  
13 all as far as other surrounding properties even if it  
14 has something to do with the water table? I thought  
15 that was kind of part of our duty.

16                  MS. SAARELA: Yeah. We have the engineering  
17 review and the plot plan is submitted and they'll look  
18 at all that and see if all that works at the time of  
19 their review.

20                  So, no. Engineering issues are not your  
21 concern.

22                  MEMBER FERRELL: Okay.

23                  MS. SAARELA: There's no documented problem

1 here. That's not in front of us. If that did become a  
2 concern, it would be another -- really, different  
3 committee.

4 MEMBER FERRELL: Okay. Thank you.

5 CHAIRPERSON SANGHVI: Okay.

6 Yes, Member Nafso?

7 MEMBER NAFSO: Just to be clear, is this just  
8 east of the fire station, this property?

9 MS. LONGO: Well, actually, there is a lot  
10 that the City of Novi owns between this parcel and the  
11 fire station.

12 MEMBER NAFSO: Okay. So then it would be  
13 east of the fire station -- east of a parcel that is  
14 just east of the fire station?

15 MS. LONGO: Yes.

16 MEMBER NAFSO: And then Mr. Weinert's home  
17 would be just east of this lot?

18 MR. WEINERT: Right.

19 MS. LONGO: That's correct. His parcel is  
20 this parcel.

21 MEMBER NAFSO: Okay.

22 And, Mr. Weinert, and I just reviewed your  
23 letter again. And I apologize, I know you spoke. I

1 mean, did you have an issue with the distance from your  
2 home in addition to those? That this variance would  
3 create in addition to the other things that you've  
4 cited in the letter?

5 MR. WEINERT: It's within the homes.

6 MEMBER GRONACHAN: Can you come up to the mic  
7 so they can hear at home?

8 MR. WEINERT: My main concern really is not  
9 with the homes with the distance. It's with the impact  
10 of being a piece of property that does not perc. All  
11 right. We have a very high water table. And the  
12 stress of putting a large home like that, what that  
13 puts on my septic system which is, you know, over 50  
14 years old. And, you know, with the high water table,  
15 you know, where is all that water going to go?

16 I just want to make sure that when they do  
17 this, because an engineer field is going to be  
18 required. That's usually raised. That things are  
19 taken into consideration where it doesn't have a  
20 negative impact on my property. That's my concern.

21 MEMBER NAFSO: Thank you.

22 MS. SAARELA: Just to add. That would be the  
23 Oakland County Health Department reviewing any septic

1 plans to make sure they work. That wouldn't even be  
2 something that the City would do.

3 MS. LONGO: Am I allowed to speak? I'm  
4 sorry.

5 So to speak to Mr. Weinert, I mean, we hear  
6 your concern. That is definitely something that we're  
7 aware of. We do have an engineered septic field plan  
8 here, which, in theory, would potentially relieve some  
9 of the water concerns not perpetuate them.

10 CHAIRPERSON SANGHVI: Anybody else?

11 Yes, Mr. Byrwa?

12 MEMBER BYRWA: Yeah. I got a question for  
13 the City. Isn't it in the City Ordinance where you  
14 can't drain your property onto abutting or adjoining  
15 properties?

16 MR. BUTLER: That is true. You're not  
17 supposed --

18 MS. SAARELA: You can't ...

19 MR. BUTLER: Go ahead.

20 MS. SAARELA: You can't change the natural  
21 course of drainage. So if it's already flowing that  
22 way and it's not changing, that's permissible.

23 MEMBER BYRWA: Okay. But in this case here

1           there would be a grading plan.

2                       MS. SAARELA:   Correct.

3                       MEMBER BYRWA:   And the water that is hitting  
4           that property is going to stay on that property.  It's  
5           not going to flow over the property lines?

6                       MS. SAARELA:   Well, they'd at least make sure  
7           it's not going anywhere different than it currently is.  
8           Because if it changes the direction, velocity, for  
9           amount of water from the natural flow of drainage, then  
10          there's a concern about needing an easement.  So they  
11          will review it to make sure the drainage is either  
12          staying the same and if not -- if it's not staying the  
13          same, whether there's some alternate location for it to  
14          go that would not be impactful on the remaining  
15          properties.

16                      MEMBER BYRWA:   And then all those lots drain  
17          toward the front or toward Eleven Mile?

18                      MS. SAARELA:   I don't think that's  
19          information that we have right now in this plan.  I  
20          think it's going beyond the scope of what is being  
21          looked at here today.

22                      MEMBER BYRWA:   Okay.

23                      MS. SAARELA:   And it would be looked at in

1 detail when a detailed plot plan is submitted and our  
2 engineering consultant would do that.

3 MEMBER BYRWA: Yeah. Well, I was just asking  
4 because it seemed like the drainage was the primary  
5 issue here.

6 MS. SAARELA: Right.

7 CHAIRPERSON SANGHVI: Thank you. I have one  
8 question. How many trees are you going to remove from  
9 that?

10 MS. LONGO: Yeah. That's a good question.  
11 We haven't gotten that far yet. We're not sure yet.  
12 We haven't done our tree survey quite yet. We're just  
13 trying to take step one here and obtain our side yard  
14 setback to know if we can take the next five steps  
15 through the building approval process.

16 CHAIRPERSON SANGHVI: Because when you cut  
17 the trees, you will have an impact on the water flow  
18 also.

19 MS. LONGO: Yeah.

20 CHAIRPERSON SANGHVI: And if you cut too many  
21 trees, it's going to go somewhere else. It's not going  
22 to stay on the side of the property. So it's a very  
23 pertinent question. Thank you.

1 Anybody else?

2 MEMBER NAFSO: I have one follow-up question.  
3 This is what you may have been addressing with showing  
4 your diagram there. But the side yard setbacks on the  
5 existing houses to the east, so east of Mr. Weinert's  
6 house going down -- going east down Eleven Mile, those  
7 are more narrow than the 50 feet; is that correct?

8 MS. LONGO: That's correct. From the 50 foot  
9 requirement with RA we're asking for -- in percentage  
10 terms, we're asking for 19.5 reduction. But if these  
11 other homes were going in front of you today, they  
12 would be asking for 55.8, 57.2, 68.2, 64.8 and 55.4.

13 MEMBER NAFSO: So even at roughly, you know,  
14 40 some -- you know, 41 -- 40.32 feet, there would be  
15 more distance between Mr. Weinert's house and  
16 Mr. Poe's (ph) house then there is between the east  
17 side of Mr. Weinert's house and the next house going  
18 all the way down?

19 MS. LONGO: That's correct.

20 MEMBER NAFSO: Okay. Thank you.

21 MS. LONGO: And the property line that we  
22 share with Mr. Weinert, we're actually going to be  
23 farther away from that property line than he is to our

1 shared property line.

2 CHAIRPERSON SANGHVI: Thank you.

3 MEMBER NAFSO: Okay.

4 CHAIRPERSON SANGHVI: Anybody else?

5 Okay. I'll entertain a motion.

6 MEMBER NAFSO: I move that we grant the  
7 variance in case number PZ18-0003 sought by the  
8 Kensington Family Homes for a variance from Ordinance  
9 Section 3.1.1 for a side yard setback variance of  
10 9.68 feet for an aggregate total of 40.32 feet, where  
11 50 feet is required by code because the petitioner has  
12 shown a practical difficulty requiring the variance.

13 Specifically, without the variance, the  
14 petitioner would be unreasonably prevented or limited  
15 with respect to the use of the property because,  
16 although the property could be extended out on the  
17 north and south side, it would be a very narrow home.

18 The property is unique because of the size of  
19 the lot. It is -- it is a narrow lot. The petitioner  
20 did not create that condition. As well that is the  
21 nature of the land as it stands. And the relief  
22 granted would not unreasonably interfere with adjacent  
23 or surrounding properties. Because, as we've stated --

1 and Mr. Weinert honestly stated -- it doesn't interfere  
2 as it relates to what is within the jurisdiction of  
3 this board. It does not interfere with the use of his  
4 property.

5 In addition, the diagram shows of the  
6 surrounding properties of the east show that the side  
7 lot setback is less than what would -- what this home  
8 would have with the variance.

9 In addition, the relief is consistent with  
10 the spirit and intent of the ordinance. Again, because  
11 this is the type of situation, not necessarily  
12 contemplated by the ordinance.

13 With that I have nothing further.

14 CHAIRPERSON SANGHVI: Thank you.

15 MEMBER FERRELL: Second.

16 MEMBER KRIEGER: Second.

17 MEMBER FERRELL: I'm sorry. I beat you.

18 CHAIRPERSON SANGHVI: Okay. If there is no  
19 further discussion, Madame Secretary, please call the  
20 roll.

21 MS. OPPERMAN: Member Byrwa?

22 MEMBER BYRWA: Yes.

23 MS. OPPERMAN: Member Ferrell?

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MEMBER FERRELL: Yes.

MS. OPPERMAN: Member Gronachan?

MEMBER GRONACHAN: Yes.

MS. OPPERMAN: Member Krieger?

MEMBER KRIEGER: Yes.

MS. OPPERMAN: Member Nafso?

MEMBER NAFSO: Yes.

MS. OPPERMAN: Member Peddiboyina?

MEMBER PEDDIBOYINA: Yes.

MS. OPPERMAN: Chairperson Sanghvi?

CHAIRPERSON SANGHVI: Yes.

MS. OPPERMAN: Motion passes.

MS. LONGO: Thank you.

CHAIRPERSON SANGHVI: Thank you.

All right. Moving on to PZ18-0005, CA Senior Living Holdings, LLC, east of Novi and north of Thirteen Mile Road, parcel number 50-22-11-300-009.

The applicant is requesting a variance from the City of Novi Zoning Ordinance Section 5.4.1 to allow a proposed loading zone in the side yard. The rear yard location required by the code, Section 4.19.2.F to allow placement of a proposed dumpster which will be screened in the side yard. The rear yard

1 location is required by the code Section 4.19.2.A, to  
2 allow placement of a proposed transformer and  
3 generator, screened, placement in the side yard. Rear  
4 yard location is required by code.

5 This property is zoned Office Service, OS-1,  
6 and residential acreage, RA, and is governed by the  
7 William R. Eldridge versus City of Novi Consent  
8 Judgment.

9 The applicant is here. Will you please state  
10 your name and address. And if you are not an attorney,  
11 please be sworn in by our secretary. Thank you.

12 MR. DUGGAN: Sure. My name is Michael  
13 Duggan, D-u-g-g-a-n. The address is 3743 Northville,  
14 Chicago, Illinois. I'm not an attorney.

15 MEMBER FERRELL: Okay. Raise your right  
16 hand.

17 Do you swear to tell the truth in the case?

18 MR. DUGGAN: Yes.

19 MEMBER FERRELL: Okay. Go ahead.

20 MR. DUGGAN: So I didn't bring prints, but I  
21 have this on my iPad. I'm not sure if it will show up  
22 on this.

23 But overall ...

1 Does that work?

2 So the property in question is sort of a long  
3 rectangular shape. So we've got about 400 feet in  
4 front of Twelve Mile and a thousand feet deep. So the  
5 building itself is sort of a rectangular shape. Really  
6 our front is the side, on this side. So the rear of  
7 the building -- and this is a senior living building so  
8 all the functions of the building, the loading, the  
9 electrical, the main kitchen, the back of the house,  
10 service entries are all centrally located so we can  
11 properly serve both sides of the building.

12 So the request was to put those services in  
13 the middle of the building and based upon the shape of  
14 the site and the function of the building -- and as it  
15 is mentioned in the agenda, from Twelve Mile is  
16 screened both by the building itself and screen walls  
17 that surround those items that we're requesting.

18 So the loading zone has, I believe, a  
19 screened wall around it there and the generator and the  
20 transformers also have a screen wall around them.

21 Additionally, to our last plan, south is a  
22 cemetery. So between that property and our property we  
23 have landscape screening in addition. So to the point

1 of not to adversely effect the neighboring property  
2 that those elements are screened in with that.

3 So I think that really covers the request and  
4 the reasons for the request. I'm here to answer any  
5 questions regarding that.

6 MEMBER GRONACHAN: He's done?

7 CHAIRPERSON SANGHVI: All done?

8 MR. DUGGAN: Yes. I'm done.

9 CHAIRPERSON SANGHVI: Thank you. I don't see  
10 anybody in the audience, except this lady. Do you have  
11 anything to say about this case?

12 MS. DUCHESNEAU: No. But other than is it  
13 Twelve Mile or Thirteen Mile?

14 MR. DUGGAN: It's Twelve.

15 CHAIRPERSON SANGHVI: It is Twelve Mile.  
16 That is what I was going to point out in a minute.  
17 That was an error on the thing. It is Twelve Mile.

18 MS. DUCHESNEAU: Thank you.

19 CHAIRPERSON SANGHVI: All right.

20 Mr. Secretary?

21 MEMBER FERRELL: Yes, Mr Chair. There was  
22 11 letters mailed, One letter returned. Zero approvals  
23 and zero objections.

1 CHAIRPERSON SANGHVI: Thank you.

2 Mr. Butler?

3 MR. BUTLER: Just a quick review. Looking at  
4 the orientation of the property, it is long in length.  
5 There is very limited areas for him to put it in the  
6 rear yard. So it is a reasonable request.

7 CHAIRPERSON SANGHVI: Thank you.

8 Well, I went and looked at your place like I  
9 do all the cases. You have a narrow street there. I  
10 like the way you have pointed out where you would like  
11 to put your dumpster and generator and everything. So  
12 I have no problem with it. Thank you.

13 I'll open it up to the board.

14 Anybody?

15 MEMBER GRONACHAN: Except that it's listed as  
16 Thirteen Mile, is that a problem?

17 MS. SAARELA: Where is that listed?

18 MEMBER GRONACHAN: On the agenda. Is that  
19 part of the --

20 MS. SAARELA: What did the notice say?

21 MS. OPPERMAN: Well, it didn't have an  
22 address. It had a parcel number. So regarding the  
23 location, it's north of ...

1 CHAIRPERSON SANGHVI: Twelve Mile.

2 MS. OPPERMAN: Just north of Twelve. So that  
3 was an error on my part.

4 MS. SAARELA: So if the notice is accurately  
5 described when it went out, it's fine.

6 MEMBER GRONACHAN: If the notice went out,  
7 that's what I'm asking. How did the notice get out?  
8 Because I couldn't figure where this was when I was out  
9 driving around. Because I was going north of  
10 Thirteen Mile and that didn't make sense.

11 CHAIRPERSON SANGHVI: I know. I looked at  
12 the map here and the local map and it was showing on  
13 here as Twelve Mile.

14 MEMBER GRONACHAN: Okay. Your eyesight is  
15 better than mine.

16 CHAIRPERSON SANGHVI: That's why I knew where  
17 it was. But I didn't want to make too much deal about  
18 it. Anyway, thank you.

19 MEMBER GRONACHAN: Okay.

20 CHAIRPERSON SANGHVI: It's a kind of a typo,  
21 I think.

22 MEMBER GRONACHAN: As long as we're good with  
23 it, then.

1 MR. BUTLER: Yes.

2 CHAIRPERSON SANGHVI: If there's no legal  
3 problem, we'll go ahead and vote.

4 All right. Yes, Mr. Byrwa?

5 MEMBER BYRWA: No. I was just going to make  
6 a comment. I think there is a very unique neighbor,  
7 the cemetery.

8 CHAIRPERSON SANGHVI: I know.

9 MEMBER BYRWA: And it's not like you're going  
10 to get any complaints about the generator or the  
11 dumpster.

12 CHAIRPERSON SANGHVI: No. I don't think  
13 they're going to complain about those. You never know.

14 MS. SAARELA: You never know.

15 MR. BUTLER: You never know.

16 MEMBER GRONACHAN: You never know.

17 MEMBER KRIEGER: The visitors might.

18 CHAIRPERSON SANGHVI: Okay. Anybody else?

19 MEMBER PEDDIBOYINA: No. I don't have any  
20 objections.

21 CHAIRPERSON SANGHVI: Comments?

22 Yes, Ms. Gronachan?

23 MEMBER GRONACHAN: I think you did a good job

1 outside of the Twelve and Thirteen Mile. So I'm going  
2 blind, but that's all right.

3 But I thought your request meets the spirit  
4 of the ordinance, quite frankly. I think your  
5 presentation represents why it needs to go where it is.  
6 The lot is unique and you're doing a great service to  
7 Novi with the type of business that you're bringing in  
8 and building because we certainly need that as our  
9 population gets -- is aging.

10 MR. DUGGAN: Thank you.

11 MEMBER GRONACHAN: So I will be in support of  
12 this.

13 CHAIRPERSON SANGHVI: Okay. All right. Any  
14 further comments by the board?

15 Seeing none, I will entertain a motion.

16 MEMBER GRONACHAN: Oh, come on. Just for old  
17 time's sake.

18 MEMBER FERRELL: She's pushy tonight; isn't  
19 she?

20 MEMBER KRIEGER: Yeah.

21 CHAIRPERSON SANGHVI: Who is doing it?

22 MEMBER GRONACHAN: I think, Linda -- Member  
23 Krieger's got it.

1                   MEMBER KRIEGER: In case number PZ18-0005 for  
2 CA Senior Living Holdings, east of Novi Road and north  
3 of Twelve Mile, grant the request in this case. That  
4 the petitioner has shown practical difficulty --

5                   Isn't this the same as that?

6                   MEMBER GRONACHAN: Yes.

7                   MEMBER KRIEGER: Practical difficulty in  
8 their location, the topography, the narrowness of the  
9 lot, that without the variance, the petitioner will be  
10 unreasonably prevented from using the lot. It is  
11 unique because of its location and narrowness.

12                   The petitioner did not create the condition  
13 because of its location. The relief granted will not  
14 unreasonably interfere with adjacent or surrounding  
15 properties. Putting the side yard will have ...

16                   There will be landscaping on the westm side?

17                   MR. DUGGAN: Yes. Between us and the  
18 cemetery there, yes, there is landscaping.

19                   MEMBER KRIEGER: So there will be buffering  
20 between adjacent and surrounding properties.

21                   The relief is consistent and within the  
22 spirit and intent of the ordinance because of the  
23 location.

1 MEMBER FERRELL: Second.

2 MEMBER PEDDIBOYINA: Second.

3 CHAIRPERSON SANGHVI: Okay. Any further  
4 discussion?

5 Seeing none. Madame Secretary, please call  
6 the roll.

7 MS. OPPERMAN: Member Byrwa?

8 MEMBER BYRWA: Yes.

9 MS. OPPERMAN: Member Ferrell?

10 MEMBER FERRELL: Yes.

11 MS. OPPERMAN: Member Gronachan?

12 MEMBER GRONACHAN: Yes.

13 MS. OPPERMAN: Member Krieger?

14 MEMBER KRIEGER: Yes.

15 MS. OPPERMAN: Member Nafso?

16 MEMBER NAFSO: Yes.

17 MS. OPPERMAN: Member Peddiboyina?

18 MEMBER PEDDIBOYINA: Yes.

19 MS. OPPERMAN: And Chairperson Sanghvi?

20 CHAIRPERSON SANGHVI: Yes.

21 MS. OPPERMAN: Motion passes.

22 CHAIRPERSON SANGHVI: Thank you.

23 MR. DUGGAN: Thank you.

1 MEMBER OLSEN: Congratulations.

2 MEMBER PEDDIBOYINA: Good luck.

3 CHAIRPERSON SANGHVI: Thank you. And that  
4 finishes the number of cases we have today.

5 The next item on the agenda is other matters  
6 and number one item of that is election of the  
7 officers.

8 MEMBER FERRELL: Wait a second. Do we need  
9 to call that case again and table it?

10 CHAIRPERSON SANGHVI: Well, I don't see  
11 anybody here.

12 MEMBER KRIEGER: So we have to table it.

13 MS. SAARELA: Table it until the next  
14 meeting. A motion to table it until the next meeting.

15 CHAIRPERSON SANGHVI: Table it until the next  
16 meeting. Motion to table it until the next meeting.  
17 Okay.

18 MEMBER KRIEGER: So moved.

19 MS. SAARELA: What case number is that?

20 CHAIRPERSON SANGHVI: The motion has been  
21 made and seconded to table the case --

22 MEMBER FERRELL: PZ18-0002.

23 CHAIRPERSON SANGHVI: -- all those in

1 favor --

2 MEMBER GRONACHAN: Wait a second. Hang on a  
3 second.

4 MS. SAARELA: Somebody make a motion to move  
5 that case number to the next.

6 MEMBER KRIEGER: I move to table case number  
7 PZ18-0002 ID Enterprises for 48 -- 41875 Carousel Drive  
8 to move it to the April meeting. What's that?

9 MS. SAARELA: April 10th.

10 MEMBER KRIEGER: April 10th zoning meeting.

11 MEMBER GRONACHAN: Second.

12 CHAIRPERSON SANGHVI: Okay. The motion has  
13 been made and seconded. If there is no further  
14 discussion, I will ask for a -- well, all those in  
15 favor signify by saying "Aye."

16 MEMBER BYRWA: Aye.

17 MEMBER FERRELL: Aye.

18 MEMBER GRONACHAN: Aye.

19 MEMBER KRIEGER: Aye.

20 MEMBER NAFSO: Aye.

21 MEMBER PEDDIBOYINA: Aye.

22 CHAIRPERSON SANGHVI: All opposed, same  
23 sign.

1                   Okay. Thank you. Moving on the next item on  
2 the agenda: Other Matters. That is election of the  
3 officers for this board for the coming up year. And I  
4 suggest that I will invite nominations for the position  
5 of the chairperson for the next year from the floor.

6                   Yes?

7                   MEMBER GRONACHAN: I would like to make a  
8 nomination.

9                   CHAIRPERSON SANGHVI: Go ahead.

10                  MEMBER GRONACHAN: So I would like to  
11 nominate Brent Ferrell for vice chair. Linda Krieger  
12 for --

13                  CHAIRPERSON SANGHVI: We're only talking  
14 about the Chair.

15                  MEMBER GRONACHAN: Oh, sorry. Can I just get  
16 them all out now?

17                  CHAIRPERSON SANGHVI: No. We'll do one at a  
18 time.

19                  MEMBER GRONACHAN: All right. Fine. Never  
20 mind. Sorry.

21                  Now you give my whole secret away.

22                  I would want to nominate Linda Krieger for  
23 Chair.

1 MEMBER FERRELL: Second.

2 MEMBER PEDDIBOYINA: Second.

3 CHAIRPERSON SANGHVI: The motion has been  
4 made. Is there any other nomination from the floor?  
5 Seeing none. You're duly elected. Thank  
6 you.

7 MEMBER GRONACHAN: Done.

8 MEMBER KRIEGER: Thank you.

9 MEMBER PEDDIBOYINA: Congratulations.

10 CHAIRPERSON SANGHVI: The next one is for the  
11 vice chair.

12 MEMBER GRONACHAN: Wait. I would like to  
13 nominate Brent Ferrell for vice chair.

14 MEMBER NAFSO: Second.

15 CHAIRPERSON SANGHVI: Any further  
16 nominations?

17 Seeing none.

18 And you are the only candiate.

19 Congratulations. You're elected vice chair.

20 MEMBER FERRELL: Thank you.

21 CHAIRPERSON SANGHVI: Now the secretaries.

22 MEMBER GRONACHAN: I nominate David Byrwa for  
23 secretary.

1 MEMBER NAFSO: Second.

2 MEMBER BYRWA: I respectfully decline.

3 MEMBER GRONACHAN: It's just to swear people  
4 in.

5 MEMBER BYRWA: No, that's all right. I still  
6 decline.

7 CHAIRPERSON SANGHVI: He is declining.  
8 Anybody else?

9 MEMBER GRONACHAN: I nominate Tom Nafso for  
10 secretary.

11 MEMBER FERRELL: Second.

12 CHAIRPERSON SANGHVI: Okay. Do you have any  
13 problem with that?

14 MEMBER NAFSO: I'll accept.

15 CHAIRPERSON SANGHVI: Okay. Thank you.

16 MEMBER GRONACHAN: It could have been worse.  
17 I could've nominated you for chair.

18 CHAIRPERSON SANGHVI: All right. Somebody  
19 seconded it, right?

20 MEMBER FERRELL: Seconded.

21 CHAIRPERSON SANGHVI: Congratulations,  
22 Mr. Nafso.

23 MEMBER PEDDIBOYINA: Congratulations.

1                   CHAIRPERSON SANGHVI: I don't expect any  
2 other nominations.

3                   So congratulations, Mr. Nafso.

4                   And so you have your officers for next year.  
5                   Congratulations all around.

6                   MEMBER FERRELL: Is this our next meeting?

7                   CHAIRPERSON SANGHVI: Starting with the next  
8 meeting, yes.

9                   The next item on the agenda is the dates for  
10 the ZBA training.

11                  Mr. Butler, you are going to get some  
12 information from the different members. And what day  
13 would be the best?

14                  MS. SAARELA: The 27th would be the best.

15                  MR. BUTLER: The 27th would be the best date  
16 right now because Tom's not going to be available.

17                  CHAIRPERSON SANGHVI: Okay.

18                  MS. SAARELA: Of this month.

19                  MR. BUTLER: Of this month, the 27th. Lunch  
20 will be provided.

21                  MEMBER KRIEGER: when?

22                  MR. BUTLER: The 27th.

23                  MS. SAARELA: At what time?

1 MEMBER GRONACHAN: What time?

2 MR. BUTLER: I think it said 6:00 in the  
3 E-mail. 6:00 p.m.

4 MEMBER BYRWA: That's a Tuesday?

5 MS. OPPERMAN: Yes. That would be Tuesday.

6 MEMBER PEDDIBOYINA: How long it takes?

7 MR. BUTLER: It depends on how fast you eat.

8 MS. SAARELA: I mean, in the past it's been  
9 between an hour and two hours. We're going to focus it  
10 narrowly on a topic and then I'll go through my little  
11 talk on the topic and then you can ask questions.

12 MEMBER PEDDIBOYINA: Okay. Thank you.

13 MS. SAARELA: We're going to talk mostly  
14 about motion making.

15 MEMBER FERRELL: More importantly. What food  
16 is going to be served?

17 CHAIRPERSON SANGHVI: It will be gourmet  
18 food.

19 MR. BUTLER: Beans and rice.

20 CHAIRPERSON SANGHVI: So the date is fixed.  
21 The time is fixed. Everybody is in agreement to that  
22 that we are going to meet again on the 27th.

23 MR. BUTLER: Most of the time we get Panera.

1 CHAIRPERSON SANGHVI: All right. Is there  
2 any other business to come before us?

3 I don't think there is anything else so I'll  
4 entertain a motion to adjourn.

5 MEMBER FERRELL: So moved.

6 CHAIRPERSON SANGHVI: Thank you.

7 All those in favor signify by saying "Aye."

8 MEMBER BYRWA: Aye.

9 MEMBER FERRELL: Aye.

10 MEMBER GRONACHAN: Aye.

11 MEMBER KRIEGER: Aye.

12 MEMBER NAFSO: Aye.

13 MEMBER PEDDIBOYINA: Aye.

14 CHAIRPERSON SANGHVI: All those opposed, same  
15 sign.

16 The meeting is adjourned.

17 (At 8:40 p.m., matter concluded. )

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C E R T I F I C A T E

STATE OF MICHIGAN)

) ss

COUNTY OF OAKLAND)

I, Darlene K. May, do hereby certify that I have recorded stenographically the proceedings had and testimony taken in the above-entitled matter at the time and place hereinbefore set forth, and I do further certify that the foregoing transcript, consisting of ninety-three (93) typewritten pages, is a true and correct transcript of my said stenographic notes.

/s/ Darlene K. May  
Darlene K. May, RPR/CSR-6479

March 31, 2018  
(Date)