REGULAR MEETING - ZONING BOARD OF APPEALS
CITY OF NOVI
October 9, 2018

Proceedings taken in the matter of the ZONING BOARD OF APPEALS, at City of Novi, 45175 West Ten Mile Road, Novi, Michigan, on Tuesday, May 14, 2019.

BOARD MEMBERS
Brent Ferrell, Chairperson
Cynthia Gronachan
David M. Byrwa
Joe Peddiboyina
Siddharth Mav Sanghvi
Kevin Sanker
Michael Longo
Linda Krieger

ALSO PRESENT:
Lawrence Butler, Community Development Deputy Director
Elizabeth Saarela, City Attorney
Katherine Oppermann, Recording Secretary
Certified Shorthand Reporter, Diane Szach
Thank you, and welcome to the May 14th Zoning Board of Appeals meeting.

If you can call roll, please.

MS. OPPERMANN: Certainly.

Member Byrwa?

MR. BYRWA: Here.

Member Ferrell?

CHAIRPERSON FERRELL: Here.

Member Gronachan?

MS. GRONACHAN: Here.

Member Krieger?

MS. KRIEGER: Here.

Member Peddiboyina?

MR. PEDDIBOYINA: Yes.

Member Sanker?

MR. SANKER: Here.

Member Sanghvi?

MR. SANGHVI: Here.

And Member Longo?

MR. LONGO: Here.
MS. OPPERMANN: All present.

CHAIRPERSON FERRELL: If we could all rise for the Pledge of Allegiance led by Member Sanker.

(Pledge of Allegiance recited.)

CHAIRPERSON FERRELL: This is a public hearing. The format and rules of conduct are on the back. And we ask that if you have cell phones, to please silence them now.

Moving on to the approval of the agenda. Any additions or anything to the agenda?

MS. OPPERMANN: No changes.

CHAIRPERSON FERRELL: No changes. We'll look for approval of the agenda. All in favor say aye.

THE BOARD: Aye.

CHAIRPERSON FERRELL: Any opposed say no.

(No opposition.)

CHAIRPERSON FERRELL: We have approval of the agenda.

Onto the minutes for the March 2019. Any changes to that?

Seeing none.

MS. KRIEGER: Motion to approve.

MS. GRONACHAN: Second.

CHAIRPERSON FERRELL: We have a motion and...
a second. All in favor say aye.

THE BOARD: Aye.

CHAIRPERSON FERRELL: We come to public remarks. Anything other than the cases being heard tonight, you can come up.

Seeing none, we'll move on to the public hearing. The first case is PZ19-0015, Jeffrey Rooke, 1410 Paramount Street, West of Novi Road and North of Thirteen Mile Road, Parcel Number 50-22-02-331-006. The applicant is requesting variances from the City of Novi Zoning Ordinance Section 5.11.1A to allow the installation of a fence to the property line to prevent unauthorized usage of existing property. Fence shall not extend toward the front of the property nearer than the minimum front yard setback distance. R4 front setback is 30 feet minimum allowed. This is property is zoned Single Family Residence.

If that case can come on up.

MR. ROOKE: Up here?

CHAIRPERSON FERRELL: Yep, come on up to the podium. If you're not an attorney, you'll be sworn in by the secretary.

MR. SANKER: You're not an attorney?

MR. ROOKE: No, I'm not.
MR. SANKER: Please raise your right hand.

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

MR. ROOKE: Yes.

CHAIRPERSON FERRELL: Please state your name for the record.

MR. ROOKE: Jeffrey Rooke.

CHAIRPERSON FERRELL: Can you spell it?

MR. ROOKE: J-e-f-f-r-e-y R-o-o-k-e.

CHAIRPERSON FERRELL: Okay. Go ahead.

MR. ROOKE: We own the property adjacent to this property that I have the request in for. We're on the lake. We bought the property behind us. We've lived there for more than 20 years. The property has laid fallow. We recently purchased it, and over the years we have experienced it being used as basically a parking lot during most all of the summer months. So we were fortunate enough to purchase it, and what we would like to do is just use it as an extended backyard, put a garden in there, enjoy it. And we realize that if the fence is setback 40 feet from the road, it will just all of that portion to the road, the 40 feet will turn into a parking lot or be maintained as a parking lot as it always has.

So we just want the utility of putting a
fence to the road and we'll put nice shrubs there, whatnot, and get the full utility of the property.

CHAIRPERSON FERRELL: Anything else?

MR. ROOKE: No.

CHAIRPERSON FERRELL: Okay. Perfect.

Anybody in the audience have anything that they want to say on this case?

Seeing none, anything from the City?

MR. BUTLER: Yes. I believe when we spoke with Mr. Rooke, he had expressed the fact that besides the existing lot being utilized as parking by unauthorized personnel, that household effects and stuff were being left there, I believe that was the case. Am I correct, sir?

MR. ROOKE: That is true.

MR. BUTLER: If I can expound on that for the board. That bed and couches and stuff like that would show up out of nowhere, and he's having an issue of trying to keep that clean. And of course the neighbors have to deal with that because they look and they see that, and they think he's not maintaining his property.

MR. ROOKE: That's true. And actually when I approached the neighbors, they were quite happy to think that this would kind of end that, you know,
people just parking there, and then people dumping
stuff there, because it's the only empty lot in the
area. It's got nice grass for parking and whatnot on
it. So it's really just to be able to maintain it
properly.

CHAIRPERSON FERRELL: Okay. Mr. Secretary, any correspondence?

MR. SANKER: Yes. So there were 44 letters mailed, 7 returned, and 2 approvals. The approval was from Margaret Rapnicki, M-a-r-g-a-r-e-t
R-a-p-n-i-c-k-i at the address of 1513 East Lake Drive. And it was just simply noted as approval. The other approval was from Jon Hammontoer, J-o-n
H-a-m-m-o-n-t-o-e-r. It's not totally legible. His address is 1407 Paramount. And he says, "I own the property directly across the street from this property, and have no objections to the variance being approved for Mr. Rooke."

CHAIRPERSON FERRELL: Thank you. Open it up to the Board for discussion.

Yes.

MS. GRONACHAN: Good evening. Do you have a picture with you of this piece of property? Could you put it on the overhead? Did you bring anything with you?
MR. ROOKE: No. I thought because I submitted with everything I handed in, I thought it would --

MS. GRONACHAN: Okay. So I would like clarification. Is this fence going into the easement as well then? When they say to the property line, is this going -- this isn't going right to the road?

MR. BUTLER: No. Per my conversation with Mr. Rooke, it's going up to as close as he can to the road but not into the easement. He's not allowed to put the fence in the easement, and I explained that to him before, he just didn't mention it.

MS. GRONACHAN: So how far back from the road are you going then, do you know that?

MR. BUTLER: Normally you're about 12 feet.

MR. ROOKE: 12 feet.

MR. BUTLER: 12 to 15 feet back off the road is what you have to be so you don't go into the easement if I remember right.

MR. ROOKE: Yes.

MS. GRONACHAN: So he would not be going into the easement?

MR. BUTLER: Not into the easement.

MS. GRONACHAN: Okay. That wasn't clear for me. I don't know if I just read it too fast or
what. And I'll be honest with you, when I saw it, I
was going to deny it based on the fact that I thought
you were putting it right up to the road.

MR. ROOKE: No, no.

MS. GRONACHAN: Okay. So -- and I thought
why not just post no parking and that sort of thing,
but I understand up there it's a different world and
there's different streets and different lot
configuration and just a different mindset. So
congratulations on your new parcel first of all.

MR. ROOKE: Thank you.

MS. GRONACHAN: And under the circumstances
being that the configuration of the lot, the history
of the lot, and the fact that there is a safety issue
as far as I'm concerned. You mentioned your kids, the
backyard, somebody coming in and dumping whatever they
want to do. That's just health, safety and welfare.
So for those reasons, I would be in support of your
request.

MR. ROOKE: Thank you.

MR. PEDDIBOYINA: Mr. Secretary?

CHAIRPERSON FERRELL: Yes.

MR. PEDDIBOYINA: Yes, I visited your
property and I've gone through your document also, and
there is no issue. And, yes, you have a concern, and
there is no issue on that, and I'm okay.

MR. ROOKE: Thank you.

CHAIRPERSON FERRELL: Anyone else?

MR. SANGHVI: Thank you, Mr. Chair.

Jeffrey, I met you on Saturday when I came
to see the property, and I looked at it, and I think
one of the things that needs to be pointed out this is
your backyard. Your house is on the East Lake Drive.

MR. ROOKE: Yes.

MR. SANGHVI: And this is just a
continuation of the same property on the back side
which faces the Paramount Street.

MR. ROOKE: Yes.

MR. SANGHVI: And so all you're trying to
do is just maintain the privacy of your own property
in the back. Actually I'm very happy that you're not
trying to build a bigger house there in the back like
most the people in that area are trying to do these
days, and you are leaving an open space. So I want to
commend you for leaving an open space and make sure
that it remains open. I have no problem supporting
your application. Thank you.

MR. ROOKE: Thank you very much.

CHAIRPERSON FERRELL: Yes, Member Krieger.

MS. KRIEGER: I agree with the previous
speakers, and just to add, the relief granted will not unreasonably interfere with adjacent or surrounding properties. That you have two fronts in a sense, Paramount and East Lake, but then again it's your backyard. But then the adjacent neighbors, also there are some similarities, so it would blend in, and so there shouldn't be any interference. So for that I support it as well.

MR. ROOKE: Thank you.

CHAIRPERSON FERRELL: Anyone else?

Yes.

MR. SANKER: I just have a question. So unfortunately when the packet, it didn't come -- we didn't get all of some of the standards that were -- that you fill out when you submit the application. So like for example on standard one it just says, you know, what are the circumstances or physical conditions in your property, right, and we only saw shape of lot, and it says not applicable. But what was the one you filled out, do you remember? Some of the other ones were environmental conditions and/or abutting the property.

MR. ROOKE: I felt like I had done it right when I submitted it because we went through it, but my whole focus was on the fact that the lot itself was
being used by others, and if I'm not able to fence it off, it will continue, so my ownership will be kind of a mute point when I look at -- I can't police it all the time, and it -- I don't know if any of you have experienced what it is like around the lake in the summertime, but there is so many people, and it's on any given weekend -- I'll look at it during the week, people will just park their boat trailers there, they'll put they're boats in and go boating and whatnot. So it's just a matter of having some control over the property as much as anything else.

MR. SANKER: And then --

MS. OPPERMANN: He addresses Standard 1B.

MS. KRIEGER: If I understand it right, 3, 4 and 5 are the small print is his answers.

MS. GRONACHAN: Right. That wasn't in our -- Standard 1 and 2 were not in our pack.

MR. SANKER: But so maybe it was just --

MS. OPPERMANN: I apologize.

MR. SANKER: But he clarified. That's why we have the hearings.

One last question. So why do you think that not complying with the zoning ordinance as it sits, which I think requires you to be like 30 feet back is -- won't resolve your current situation that
you're experiencing with the --

MR. ROOKE: So if the fence is back 30 feet, everybody will still just park there. So I'll lose the utility of half of my property. It's just the way it goes on that back street. On any given day there will be cars parked all along there because people want to come out. And I can't blame them, they want to enjoy the lake, they want to go out and they want to walk and cycle, do whatever they want to do around the lake, but for me to live there, it becomes problematic.

MR. SANKER: Is it possible that putting like a no-trespassing sign on there would do that?

MR. ROOKE: Oh, I could, and I don't know whether it would work or not to be honest with you. And if I can't put the fence out there, then what I would to do is put shrubs out to the property line and then there is just shrubs in there and I can't really use it, nobody can use it. So it's kind of lost utility to me to prevent people driving in there and making a mess of all the grass all over the place.

MR. SANKER: Okay. I'm good.

CHAIRPERSON FERRELL: So I have a question, too. Looking at the picture you submitted with the fence, and you have the setback -- that is not over
the top of the easement, how many -- what is that, like 10, 15 feet about?

MR. BUTLER: Yes, pretty close to it.

CHAIRPERSON FERRELL: So how are you going to stop people from parking on that?

MR. ROOKE: Oh, I won't be able to, of course they'll just park there.

CHAIRPERSON FERRELL: I'm just saying that fence I don't really think is going to totally stop people from parking specifically there just because there is still at least enough of a spot car for a car to park.

MR. ROOKE: Yes. I'm just trying to prevent them from using it as a parking lot per se. They can always park along the road to your point, but I'm just trying to maximize the utility.

CHAIRPERSON FERRELL: When they do park, how far up into the property do they usually go?

MR. ROOKE: Well, they come right up to the back of my garage. If you look at the --

CHAIRPERSON FERRELL: Really?

MR. ROOKE: Oh, yeah. And they make no bones about it and they'll look at me and go, well, there is nothing here, why can't I park here.

CHAIRPERSON FERRELL: Right, right.
MR. ROOKE: And it actually becomes a little bit contentious when my neighbors have guests over and they all park in there, and it's like, you know, it's difficult because what do you say. You know, you have to get along with your neighbors. But fences make good neighbors as they say.

CHAIRPERSON FERRELL: Okay. Thank you. Anybody else? Are we ready for a motion?

MR. PEDDIBOYINA: I move that we grant the variance in Case Number PZ19-0015 sought by Jeffrey Rooke because the petitioner has shown a practical difficulty for the variance. Petitioner has shown the practical difficulty regarding the variance to allow the installation of the fence to the property line to prevent unauthorized usage of existing property. Without the variance petitioner will be unreasonably prevented or limited with respect to use of the property because, one, is planning to use the lot as a play or safe area for his family. The petitioner did not create this condition because the lot is existing without the fence.

The relief granted will not unreasonably interfere with adjacent or surrounding property because the fencing to the property line will ensure
the control or unauthorized parking. The relief is consistent with the spirit and the intent of the ordinance because many homes on the same street have fencing lining the property line.

MR. SANGHVI: Second.

CHAIRPERSON FERRELL: We have a motion and second. Any further discussion?

MS. KRIEGER: If you can add what he was discussing earlier that the fence that he's putting up won't go into the easement of the road.

MR. PEDDIBOYINA: Okay.

CHAIRPERSON FERRELL: So an amendment, motion and second as amended?

MR. SANGHVI: Yes.

CHAIRPERSON FERRELL: Kathy, could you call roll, please.

MS. OPPERMANN: Certainly.

Member Byrwa?

MR. BYRWA: Yes.

MS. OPPERMANN: Chairperson Ferrell?

CHAIRPERSON FERRELL: Yes.

MS. OPPERMANN: Member Gronachan?

MS. GRONACHAN: Yes.

MS. OPPERMANN: Member Krieger?

MS. KRIEGER: Yes.
MS. OPPERMANN: Member Sanker?

MR. SANKER: Yes.

MS. OPPERMANN: Member Peddiboyina?

MR. PEDDIBOYINA: Yes.

MS. OPPERMANN: Member Sanghvi?

MR. SANGHVI: Yes.

MS. OPPERMANN: Motion passes.

CHAIRPERSON FERRELL: Thank you. Good luck.

Now onto the next Case PZ19-0016, ITC Holdings Corp, 27175 Energy Way, west of Haggerty Road and south of Twelve Mile Road, Parcel Number 50-22-13-200-037. The applicant is requesting a variance from the Novi Code of Ordinance Section 4.19.1.j to allow for the building of a 2900 square foot accessory structure, no more than two structures -- accessory structures are allowed per lot for lots over 21,700 square feet. This property is zoned Office Service Technology, OST.

If the applicant can come up, and if you're not an attorney, be sworn in by the secretary.

MR. BISHOP: I'm not an attorney, no.

CHAIRPERSON FERRELL: Okay. State and spell your name and then be sworn in by the secretary.

MR. BISHOP: Sure. My name is Neal Bishop,
MR. SANKER: Raise your right hand. Do you swear or affirm to tell the truth in the matter before you?

MR. BISHOP: I do.

CHAIRPERSON FERRELL: All right. Go ahead.

MR. BISHOP: Well, like I said, my name is Neal Bishop. I'm an area manager with ITC Holdings. At ITC we own and operate the high voltage electric transmission system throughout the lower peninsula, midwest and great plain states. We're the largest independent high voltage electric transmission company in the United States, and we're proud to be housed right here in Novi on Energy Way.

This project that we're planning is called Project Starlight, and it is to build on our campus within our campus there by our headquarters a solaray, a battery storage facility, and a solaray carport that you can actually park under, and that's the 2900 square foot accessory structure is the carport. We're building this so that we can study the impact of new energy generators on the grid in realtime so we can study battery storage and new solar fields, how they impact the grid, and we're going to be able to see that in realtime at our headquarters.
The ordinance does call for no more than two accessory structures on any lot over 21,700 square feet, which is roughly -- well, not roughly, it is a half an acre. Our lot there is just over 2.5 million square feet. So we recognize that we're asking for one additional structure on such a large lot, and that's why we've come before you today. It was offered when we met with City Planning and Engineering staff that it would be a reasonable request to come before you and ask for the variance because of the size of the lot and the location of the structure would be contained wholly within our campus.

CHAIRPERSON FERRELL: Thank you. Anybody from the audience wish to speak about the case come up now.

Seeing none, anything from the City?

MR. BUTLER: No comments from the City. We'll stand by for questions.

CHAIRPERSON FERRELL: Mr. Secretary, any correspondence?

MR. SANKER: So there were 14 letters mailed, zero returned. Zero approvals and zero objections.

CHAIRPERSON FERRELL: Thank you. Open it up to the Board for discussion.
MS. GRONACHAN: Good evening.

MR. BISHOP: Good evening.

MS. GRONACHAN: How exciting, huh, solar panels to park the car underneath.

MR. BISHOP: Yes.

MS. GRONACHAN: So is this building going to be a permanent building if this is testing that you're doing? Will this be the permanent use of this building I guess would be my question?

MR. BISHOP: Yes. And we're calling it an accessory structure. It's really -- I mean, you can picture in your mind what a solar panel might look like, you know, the two legs and the solar panels. It's just that 14 feet up in the air. You're parking underneath a solar panel. So that will be the permanent use of it. And we're doing it so that we can study the impact. So we -- it's not just the immediate impact, but it's the long-term effects on the grid as well. So, yes, it is a permanent-use structure.

MS. GRONACHAN: So these are the actual solar panels that you're putting up?

MR. BISHOP: Yes.

MS. GRONACHAN: That are part of -- that
would be considered an accessory structure and not an actual building?

MR. BISHOP: Yes. It's not a carport with solar panels on the roof.

MS. GRONACHAN: Okay.

MR. BISHOP: It is the actually -- you're actually parking under the solar panels themselves.

MS. GRONACHAN: Okay. I'm glad I clarified that. So what if it doesn't work?

MR. BISHOP: What if?

MS. GRONACHAN: What if this doesn't prove to be advantageous to have this? Is there something like that that would happen?

MR. BISHOP: You mean advantageous to the grid, the impact on the grid?

MS. GRONACHAN: Yes.

MR. BISHOP: So we're setting -- as new generation sources come online all over the country, we're seeing people put up windmills or wind turbines, solar projects, battery storage, and, you know, our mission at ITC is to build the grid of the future. So it's beneficial that we do study this. If we find that it has a minimal impact on the grid, at the very least it will still be a cost savings and a reduction in our carbon footprint at the building. These
solarays and the battery storage will actually be used
to power ITC headquarters here in Novi.

MS. GRONACHAN: Okay. Thank you very much.
I don't have any further questions at this time.

CHAIRPERSON FERRELL: Thank you. Anybody
else?

Yes.

MS. KRIEGER: Just to clarify again, the
structure, that isn't where the battery housing is,
it's the solar panels, and then you park under them,
so that's regarding the structure that we're
approving?

MR. BISHOP: So the two structures that
would be allowed within the ordinance is the solar
field which is being counted as one structure, and
then the battery storage house, which is the second
structure. So the third additional structure that
we're asking for the variance is the canopy, the car
canopy, yes.

MS. KRIEGER: And just to clarify, I read
through and I asked questions about it, for the
battery storage, for safety, is there anything for
that to worry about?

MR. BISHOP: No, they're safe. We wouldn't
build it at our headquarters where we house hundreds
of employees and have visitors if it wasn't safe.

There is a fire detection and a fire restraint system that we will have within the battery storage itself, and we have -- that we explained at the planning commission last week, we'll have an emergency preparedness plan submitted to the City of Novi as well for an emergency response.

MS. KRIEGER: I'm just asking to clarify for if there are any questions from viewers, and that just helps. Thank you.

MR. BISHOP: Sure.

CHAIRPERSON FERRELL: Do you have any pictures of what it's going to look like other than what you submitted in the packet?

MR. BISHOP: No, I don't believe other than we submitted in the packet there were any pictures. It won't be any -- it will be very similar to -- the solarays anyways, will be very similar to what you see on 96 when you're sort of heading west, that would be west, but again you can image that 14 feet, enough to park a car under.

CHAIRPERSON FERRELL: Okay. Thank you.

Anyone else?

Do I hear a motion?

MR. SANKER: I can fire off a motion. I
move that we grant the variance in Case Number PZ19-0016 sought by ITC Holdings Corp for allowing a third accessory use structure because the petitioner has shown practical difficulty requiring such variance. Without the variance, petitioner will be unreasonably prevented or limited with respect to the use of the property because it will not be able to build solar panels or otherwise use and enjoy the property.

The property is unique because of the property's large amount of square feet. Petitioner did not create the condition because the zoning ordinance did not contemplate such a large property with large amounts of square feet.

The relief granted will not unreasonably interfere with adjacent or surrounding properties because the accessory use fits well within the property, and the relief is consistent with the spirit and intent of the ordinance because the accessory use improves the property and generates clean energy.

MS. GRONACHAN: Second.
CHAIRPERSON FERRELL: Motion and second.
Any further discussion?
Yes.
MS. KRIEGER: I'm sorry, just to add that
it's their minimum request. They're asking for one versus two. Just --

MR. SANKER: Do I have to make it subject to that?

MS. KRIEGER: No, just add that on.

MR. SANKER: An addendum, an addendum to add they can't --

MS. KRIEGER: No, not that they can't.

That they're request -- we are approving because of their asking minimum versus maximum. So it's easier to approve their request.

MR. SANKER: Okay.

CHAIRPERSON FERRELL: Do you adopt that?

MR. SANKER: I do adopt that.

MS. GRONACHAN: I approve that.

CHAIRPERSON FERRELL: Motion and second. Any further discussion?

Katherine, can you call roll, please.

MS. OPPERMANN: Member Sanghvi?

MR. SANGHVI: Yes.

MS. OPPERMANN: Member Peddiboyina?

MR. PEDDIBOYINA: Yes.

MS. OPPERMANN: Member Sanker?

MR. SANKER: Yes.

MS. OPPERMANN: Member Krieger?
MS. KRIEGER: Yes.

MS. OPPERMANN: Member Gronachan?

MS. GRONACHAN: Yes.

MS. OPPERMANN: Chairperson Ferrell?

CHAIRPERSON FERRELL: Yes.

MS. OPPERMANN: Member Byrwa?

MR. BYRWA: Yes.

MS. OPPERMANN: Motion passes.

MS. GRONACHAN: Congratulations.

MR. BISHOP: Thanks very much.

CHAIRPERSON FERRELL: That moves us to other matters. Anything else?

MS. GRONACHAN: You're not going to Sing Sunshine of My Life?

CHAIRPERSON FERRELL: I'm not a good singer no. It's not going to happen.

MS. KRIEGER: Motion to adjourn.

CHAIRPERSON FERRELL: There is a motion to adjourn.

MS. GRONACHAN: Second.

CHAIRPERSON FERRELL: All in favor.

THE BOARD: Aye.

CHAIRPERSON FERRELL: We're adjourned.

(Meeting adjourned at 7:26 p.m.)
CERTIFICATE

I, Diane L. Szach, 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 (27) pages, is a true and correct transcript of my said stenograph notes.

[Signature]

Diane L. Szach, CSR-3170
(Acting in Wayne County)
Oakland County, Michigan
My Commission Expires: 3/9/24