REGULAR MEETING - ZONING BOARD OF APPEALS

CITY OF NOVI

TUESDAY, SEPTEMBER 11, 2018 7:00 P.M.

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

BOARD MEMBERS:

Linda Krieger, Chairperson
Brent Ferrell, Deputy Chairperson
Cynthia Gronachan, Secretary
David M. Byrwa
Thomas Nafso
Siddharth Mav Sanghvi
Joe Peddiboyina

ALSO PRESENT:

Elizabeth Saarela, City Attorney
Lawrence Butler, Comm. Development, Dep. Director
Katherine Opperman, Recording Secretary

Reported by:

Darlene K. May, Certified Shorthand Reporter
Novi, Michigan

Tuesday, September 11, 2018

7:00 p.m.

CHAIRPERSON KRIEGER: Good evening. And welcome to the Novi Zoning Board of Appeals. This is for Tuesday, the 11th of September. If we could rise for the Pledge of Allegiance, and if Member Gronachan can lead us.

(Pledge of Allegiance.)

CHAIRPERSON KRIEGER: Thank you. And Katherine, if you can, call the role, please.

MS. OPPELMAN: Member Bywra?

MEMBER BYRWA: Here.

MS. OPPELMAN: Member Ferrell?

MEMBER FERRELL: Here.

MS. OPPELMAN: Member Gronachan?

MEMBER GRONACHAN: Here.

MS. OPPELMAN: Chairperson Krieger?

CHAIRPERSON KRIEGER: Here.

MS. OPPELMAN: Member Olson is absent, excused.

Member Nafso?
MEMBER NAFSO: Here.

MS. OPPERMAN: Member Peddiboyina?

MEMBER PEDDIBOYINA: Yes.

MS. OPPERMAN: And Member Sanghvi?

MEMBER SANGHVI: Here.

CHAIRPERSON KRIEGER: Thank you. We have a full board. It's a public hearing format and our Rules of Conduct are back with the agenda.

And speaking of agenda, do we have an approval for our current agenda? Are there any additions or deletions?

None?

MS. OPPERMAN: None at this time.

CHAIRPERSON KRIEGER: Okay.

MEMBER GRONACHAN: I move that the agenda be approved as stands.

MEMBER PEDDIBOYINA: Second.

CHAIRPERSON KRIEGER: All right. We have a motion and a second. All in favor say "Aye."

Aye.

MEMBER BYRWA: Aye.

MEMBER FERRELL: Aye.

MEMBER OLSEN: Aye.
MEMBER NAFSO: Aye.

MEMBER PEDDIBOYINA: Aye.

MEMBER SANGHVI: Aye.

CHAIRPERSON KRIEGER: None opposed? Okay.

So we have an agenda.

Minutes, we have none for this month.

Public remarks. If anyone has any comments regarding anything except the cases that are to be presented, you may come up and speak. If not, then we'll go on with our meeting.

Public hearings. We have four cases tonight. And our first one is PZ18-0029 for Hillside Investments for 25540 Seeley Road.

If the petitioner could come up and state their case.

MR. HARDIN: Good evening. I'm Dave Hardin, development manager for Hillside Investments. I'm here tonight to discuss what we're calling Novi Tech Center.

MEMBER NAFSO: Could you also state your address as well and I'm going to ask that you raise your right hand and be sworn in.

MR. HARDIN: Sure. My address is 39475 West 13 Mile Road, Suite 203, Novi, Michigan 48377.
MEMBER NAFSO: Thank you. Can you please raise your right hand?

Do you swear to tell the truth in this matter?

MR. HARDIN: Yes.

MEMBER NAFSO: Thank you.

MR. HARDIN: So, as I said, I'm Dave Hardin, development manager for Hillside Investments. I'm here tonight to discuss Novi Technology Center Building Six and Seven. Hillside Investments is the current property owner of the Novi Technology Center, which is off of the north side of Grand River Road, a few blocks east of Seeley Road. The development consists of five buildings totaling roughly a hundred thousand square feet.

This development is one of our arguably best assets in our portfolio. It's had virtually zero long-term vacancy over many years. We have tenants like Sony, Mitsumi, Prestige Portraits. Very reputable, nationwide and global tenants.

The reason that I'm here today is some of our tenants have discussed the need, when it comes time to renew their leases, that they need more spaces. So we
have gone down the path of seeking to construct two new, roughly, 25,000 square foot, kind of single-story office, lab-type spaces for them at the additional property to the northwest of the current technology center.

Just to go through the plan a little bit, there are a few changes, I believe, from the plan that you have seen. We worked through some additional details during the Planning Commission stage. And as we worked through some details with the property owner to the north of the mobile home park, we brought the -- the berm height has increased a few feet along the entire length of the berm.

We brought the edge of the berm all the way up to the edge of the parking lot. We've also provided a substantial amount more trees on that berm, more than what is required. And we have a six-foot privacy fence along the entire north property line.

We were seeking to have that fence atop the berm, but in our discussions with the property owner to the north, they asked that we move it to the property line as opposed to the top of the berm, which we didn't have an issue with.
The two variances that we are here seeking are to allow two accessory structures on the side yard. Those two structures would be a dumpster enclosure and a transformer, electrical transformer. Those are in between the two buildings just to the south of the buildings. And then the other variance would be a dimensional variance for a -- we're asking for a 55-foot parking setback and move the 100-foot parking setback between industrial zone and residential properties.

The hardships that we face with this lot are the very narrow shape of the lot. It's approximately 300 feet by 1100 feet. And that kind of I'll call it spot zoning of residential development in what is otherwise a large tract of industrial zone plan. They're from essentially Haggerty to Meadowbrook, Grand River up to 96 is industrial zone with the exception of some properties off of Grand River.

However, in the back there is a couple of small parcels of residential zoning. Which the combination of those two being that we have the long side of our property up against the residential development. It makes for that hundred foot parking
setback extremely difficult to achieve. We went
through -- this is probably the seventh or eighth
different land iteration.

We tried to balance all the things. We tried
numerous times to meet the requirement, but in doing so
we were not able to meet the parking spaces required.
And to even get closer, you'd have to destroy all of
the regulated woodland that currently exists to the
west side of the property. We tried to leave that as
much in place as possible to protect that regulated
woodland.

The way we laid out the site was kind of a
balance, like I said, of all those different things.
We tried to keep the woodlands to the west and we knew
that we needed to have our retention (ph) basin in the
northeast corner. So we kind of fit everything in
between there.

We did -- we tried to come up with a
development that we thought would be a win/win
situation for everyone in the area including the
residences to the north. We worked, as I said, with
the owners of the property to the north through the
Planning Commission stages to come to agreements on,
you know, some things like a no-turn right sign at the Seeley Road exit for trucks. So that trucks could only turn left so they do not, you know, travel in front of the mobile home community.

And we're keeping the trucks on the south side of the building. So you see, the buildings are kind of a U-shape, which helps kind of to shelter and enclose those truck areas.

One thing to note, too, this is not a normal -- we don't have any truck wells or any dock equipment here. The trucks that frequent this development are more like small, box trucks, like a moving truck size truck. So it's just for minor deliveries here and there. There's no large scale semi-trucking on site.

So, like I said, we've tried to come up with something that would be agreeable with everybody. We will have normal office business operation hours. So the standard, you know, 8:00 a.m. to 5:00 p.m. There will not be any late night activity on the site.

We've designed our photometric study so that even before you get to the berm there is no light that is being -- before you get to the top of the berm,
there is no light that is being transmitted from the buildings onto and above that berm height. There should be no light pollution to the property to the north.

Let's see. What else?

As I mentioned, this is more -- even though it is zone industrial, it is heavy office use. Our existing tenants are primarily -- I'll call it 80 percent office, with the 20 percent either storage, warehouse or a lab-type component in the back.

You know, we've positioned the buildings to have the more pleasant, visually appealing side of the buildings to the north and, like I said, tuck everything -- all the logistics operations tuck it into the south.

With that, I'll take any questions.

CHAIRPERSON KRIEGER: Very good. Thank you very much. Very enlightening.

Is there anyone in the audience who would like to speak regarding this case? If you do, you could come up to the podium, state your name and spell it for the court recorder and proceed.

Seeing none, we'll close that.
And from the City?

MR. BUTLER: Yes, Madame Chair, I would just like to say that they are working with a very narrow lot. They had to go lengthwise instead of widthwise. And this was noted. That's how they added the additional screening to the top of the berm for the residents that are to the north. And also by doing that, they also did not have to take on the regulated wetland trees that are to the west. As we all know, in Novi we love our trees.

So they did a good job of that and paying attention to the additional prodding from the building department. That was something that the developer did on their own.

And also, I noted, if you'll notice they have two accessory structures in the back. And I would like to find out what is in the additional structure? One is the trash enclosure. Is the other one a transformer or air conditioner unit?

MR. HARDIN: Yes. It's a trash enclosure and a electrical transformer.

MR. BUTLER: Thank you, sir.

MR. HARDIN: Yes.
CHAIRPERSON KRIEGER: Very good.

MR. BUTLER: That's all I have.

CHAIRPERSON KRIEGER: Okay. Thank you.

Correspondence?

MEMBER NAFSO: Yes. There were two separate mailings related to this petition. There was a first mailing in August; 38 letters were mailed, 10 returned, zero approvals, zero objections.

And there was a second renotice in September that included the individual addresses of the mobile home community. And so in that mailing there were a hundred letters mailed, two letters returned, zero approvals and zero objections.

CHAIRPERSON KRIEGER: Very good. And I'll open it to up to the board for questions and/or a motion.

Yes, Member Gronachan?

MEMBER GRONACHAN: Good evening. Very nice presentation. Could you just point out, please, where the transformer and the dumpster are going in your picture, please.

I don't know if you want to move that back a little bit because I don't know about the video, if
they're going to be able to pick it up on the camera.

MR. HARDIN: Sure.

(Complied.)

MEMBER GRONACHAN: That's fine. I think you're good here.

MR. HARDIN: There's a small grass area here where we would like to locate the dumpster enclosures and the transformer would be located directly next to it.

MEMBER GRONACHAN: Okay. And that's on the opposite side of the mobile home park, correct?

MR. HARDIN: That's correct.

MEMBER GRONACHAN: Okay. And what are the hours of operation for the transformer? Just when there's a power outage or was that ...

MR. HARDIN: A transformer is necessary at every element to downgrade the high voltage from the power lines. It's just a small --

MEMBER GRONACHAN: Okay. Transformer. All right. All right. I got it. I had something else in mind.

MR. HARDIN: Okay.

MEMBER GRONACHAN: So thank you for that. I
just was not clear on that.

And then in terms of the parking lot, now, you're increasing -- you're adding the buildings because they're increasing their business. Are you increasing employees as well?

MR. HARDIN: Yes.

MEMBER GRONACHAN: So where is the parking for the additional employees going to be? Does the total site --

MR. HARDIN: Well, the parking provided for these two buildings is entirely sufficient for these two buildings.

MEMBER GRONACHAN: Okay.

MR. HARDIN: So any additional employees will be able to park in these spaces and would not need extra parking in the additional center.

MEMBER GRONACHAN: All right. So despite the fact that, um ...

All right. Okay. That's all I needed to verify. Thank you.

CHAIRPERSON KRIEGER: Okay. Member Ferrell?

MEMBER FERRELL: I had a question about you said you talked to the properties to the north to keep
the truck traffic. Where was that going to be? I
guess I missed that when you were saying that.

MR. HARDIN: We worked with the mobile home
park to the north. They had requested when trucks are
leaving and exiting the property here on Seeley Road
that they not be able to turn right which would crowd
them in front of their residences. So we will locate a
"No Turn Right" sign here.

MEMBER FERRELL: So you would want them to
take a left when they come out to head south?

MR. HARDIN: Correct. And we also here, once
the trucks come in to the site, there's a sign here "No
Turn Left." So all truck traffic has to continue
straight behind the building as opposed to around.

MEMBER FERRELL: So when they come out
they'll be going south?

MR. HARDIN: Correct.

MEMBER FERRELL: Okay. Thank you.

CHAIRPERSON KRIEGER: Other questions?

MEMBER BYRWA: Yeah, I believe on the south
side where the dumpster enclosure and transformer is
going to be, is there fire department access? Can the
City get a fire truck in there if it had to?
MR. HARDIN: In where?

MEMBER BYRWA: It's along the bottom side of the ... 

MR. HARDIN: Along the property line here?

MEMBER BYRWA: Right. In there.

MR. HARDIN: I would tend to believe so. I think behind the dumpster enclosure there's a parking space that's at least 30 to 35 feet before you get to the property line.

MEMBER BYRWA: So you're saying there would be fire department access to get a Novi fire truck in there, if it had to?

MR. HARDIN: Behind the dumpster on this side?

MEMBER BYRWA: No. I'm talking about in access to the building. If the buildings was on fire, would you be able to access the fire from that south side?

MR. HARDIN: Yes. Yes, sir.

MEMBER BYRWA: Okay.

MEMBER NAFSO: Just one quick question. So if entering that parking lot, is the entrance intended to be off of Seeley Road as well? Is there also --
there's also a way to enter off of Haggerty and Grand River, correct?

MR. HARDIN: Correct.

MEMBER NAFSO: But Seeley would take you directly in to the property?

MR. HARDIN: Correct.

CHAIRPERSON KRIEGER: I wanted to ask, when you said the "lighting in the berm," so the parking lot lights are level to the berm?

MR. HARDIN: We do not have any light bulbs. It's all building lights, ball packs attached to the building. So there would not be any light poles in the parking lot.

CHAIRPERSON KRIEGER: And then the landscaping would be trees and evergreens?

MR. HARDIN: Correct.

CHAIRPERSON KRIEGER: Okay. I would be in support of this motion regarding the discussion and needs taken care of. Thank you.

Yes?

MEMBER PEDDIBOYINA: Thank you. A good presentation. And do you know how many approximately are in the parking lot, the number of parking cars?
MR. HARDIN: I believe it's around 220 parking spaces.

MEMBER PEDDIBOYINA: Wonderful. I have no issue. Thank you.

CHAIRPERSON KRIEGER: Good. Do you want to make a motion?

MEMBER FERRELL: Yeah. If you'd like.

CHAIRPERSON KRIEGER: Go ahead.

MEMBER FERRELL: I move that we grant the variance in case number PZ18-0029 sought by the petitioner for a reduction of the north parking lot from 100 feet to 55 feet setback because petitioner has shown practical difficulty requiring the addition of two accessory structures to accommodate the long-term tenants allowing them more storage.

Without the variance, the petitioner will be unreasonably prevented or limited with respect to the use of the property because they risk the loss of the long-term tenants that they've had on site. The property is unique because the lot is narrow in shape. The petitioner did not create the condition. This was done as the lot was -- when it was platted.

The relief granted will not unreasonably
interfere with adjacent or surrounding properties because they worked with the owners of the property to the north with keeping truck traffic to the south as they come out of the facility and not disturb the mobile home neighborhood to the north of it, and they also increased the height and size of the berms, creating an additional screening.

The relief is consistent with the spirit and intent of the ordinance.

MEMBER BYWRA: I'll second that.

CHAIRPERSON KRIEGER: Okay. We have a motion and a second. Any other discussion?

Seeing none, if Katherine could call the role.

MS. OPPERMANN: Member Sanghvi?

MEMBER SANGHVI: Yes.

MS. OPPERMANN: Member Peddiboyina?

MEMBER PEDDIBOYINA: Yes.

MS. OPPERMANN: Member Nafso?

MEMBER NAFSO: Yes.

MS. OPPERMANN: Chairperson Krieger?

CHAIRPERSON KRIEGER: Yes.

MS. OPPERMANN: Member Gronachan?
MEMBER GRONACHAN: Yes.

MS. OPPERMAN: Member Ferrell?

MEMBER FERRELL: Yes.

MS. OPPERMAN: And Member Bywra?

MEMBER BYWRA: Yes.

MS. OPPERMAN: Motion passes.

CHAIRPERSON KRIEGER: Congratulations.

MR. SAROKI: Thank you.

MEMBER GRONACHAN: Good luck.

CHAIRPERSON KRIEGER: That brings us to our next case, PZ18-00037, for Saroki Architecture for 26090 Ingersol Drive, east of Novi and north of Grand River. The applicant is requesting a variance from the City of Novi ordinance section 28-5(d) for installation of an additional 20 square foot exterior building wall sign. One sign allowed by code. The property is zoned Town Center.

And if the petitioner could come to the board.

And this is for Wal-Mart, correct?

MR. SAROKI: That's correct.

CHAIRPERSON KRIEGER: So, if you could, state your name and spell it for our court recorder and be
sworn in if you're not an attorney.

MR. SAROKI: Sure.

CHAIRPERSON KRIEGER: Thank you.

MR. SAROKI: I'm not an attorney. My name is Victor Saroki. My address is 430 North Old Woodward. We are architects in Birmingham.

MEMBER NAFSO: Good evening, Mr. Saroki. Do you swear to tell the truth in this matter?

MR. SAROKI: Yes, I do.

MEMBER NAFSO: Thank you.

MR. SAROKI: I don't know if we will have the OPPORTUNITY to have the front elevation of the Wal-Mart pulled up. Unless I can try to put this on.

(Document displayed.)

MR. SAROKI: Good evening. So we are architects and we're actually representing a client which is a very good client of ours, the Michigan First Credit Union. They are a credit union throughout the state. They are headquartered in Lathrup Village. In fact, we did their original building in Lathrup Village and we just had a ribbon cutting today for our big expansion at their headquarters this morning.

They have a series of branches in Wal-Mart
stores throughout the state and in Kroger stores. And this one, of course, is for the Wal-Mart store on Ingersol Drive. The Michigan First Credit Union is a separate business within the Wal-Mart store. And, as you can imagine, a credit union is similar to a bank like you see banks in these larger stores.

So the credit union has a couple of loan officers and they also have two ATM machines and a coin machine with the store. As you know, Wal-Mart is a very large big-box tenant. The store is 140,000 square feet. So, obviously, a very large store.

And the facade is about 500 feet long. It is in the TC zoning district, Town Center district. And under the sign ordinance it would be considered as a single business for Wal-Mart as a big-box user. So, you know, under the sign ordinance, we're allowed one main wall sign and the Wal-Mart sign is about 300 square feet.

Wal-Mart does have, in that they have received approval on, some smaller signs that designate the departments within the Wal-Mart store. For example, there's a small sign on the facade that says "Market". And that is in this area right here. They
also have a small sign that says "Home and Pharmacy". And it is in this area here. You can see it the enlargement down below.

And they have an "Outdoor Living" sign, which is an outdoor garden center, which is at this far end here. If you add up all of their signs, it is about 450 square feet, not very much when you include, really, the size of this facade.

Our proposal for the Michigan First Credit Union is, quite frankly, a fairly, modest sign. It is only 20 square feet. It is nine feet, three inches in width and two foot two inches tall and on the facade, on the overall facade, it's in this area. You can see it right there. And on the enlargement, it's right here over.

It will be an illuminated sign as we're proposing it. It is a white channel letter sign with a black frame. The acrylic on the base is white. Our request is for a dimensional variance for this independent business to provide exposure for the credit union.

And by the way, I would point out, that this is -- or has been approved by the Wal-Mart subject to
your approval.

So when we look at the sign ordinance and we review the standards for sign variances, there are several standards for us to meet. And I believe we can demonstrate that we can meet those standards. So standard number one talks about extraordinary circumstances or conditions. And I think there's, actually, are two conditions that apply. One would be item D, the scale of the building or the lot frontage.

So again, this is a single business that would be reviewed under the ordinance. So you've got this large box. But again, we have a facade that is 500 feet long. And, in fact, the area of the facade is almost 15,000 square feet. Our proposal is only about one and a half percent of this entire facade. So it is minimal.

And I would also point out that our building is setback 735 feet from the center line of Ingersol Road. So, again, the building is set way back and we've got a very, very large facade.

Also item E talks about variances that are not self-created and a practical difficulty would cause the need for a variance. We do have a practical
difficult in meeting the exact language of the ordinance for a single business and, therefore, we need the variance on this very large facade.

Standard number two talks about the limited use of the property. It talks about failure to grant relief will unreasonably prevent or limit the use of the property. In our opinion failure to grant relief will prevent this separate business of the credit union to have what we would consider an expected opportunity to have exterior signage.

Standard number three talks about adverse impact on the surrounding area. And I would say that the granting of this variance will not interfere with adjacent properties. Substantial justice, in our opinion, will be served in granting this variance to this business, to the community and to the patrons and customers of both Wal-Mart and the credit union.

In our opinion it would be an unnecessary hardship for this business if they cannot have this modest sign.

If this, as an example, if this were a multiple business center, let's say like a retail center or strip center, you can imagine on a 500 feet
long facade you could easily have 20 separate businesses of each business having a facade 25 feet wide. And if this were the case, you would have 20 signs and each sign would be larger than the one we're proposing.

So I don't think this is excessive. I think it's a modest request. It is a request that is important to the credit union to have the exterior signage and one that Wal-Mart supports.

We think it meets the spirit and intent of the ordinance and we hope that you will approve this dimensional variance.

I'm happy to answer any questions.

CHAIRPERSON KRIEGER: Thank you.

Is there anyone in the audience that has any questions regarding this case?

Seeing none, I open it up to the City.

MR. BUTLER: Just one point I want to make was that, before the credit union went in there there were other businesses in that spot without any signage on the front, which had been denied earlier. And it was very difficult to know that that business was in there. Which is what would pose a hardship. It was a
Del Taco, if you remember. There was a Del Taco in
there and then the space was used for an overstock sale
type of deal since then.

CHAIRPERSON KRIEGER: All right. Thank you very much.

Yes?

MEMBER BYRWA: Yes. I have a question for the City. With our sign ordinance, the 20 feet over, is that a certain subsquare footage or percent of elevation or how is our sign ordinance? Obviously, it doesn't seem like it took into account a 500 plus length of building.

MR. BUTLER: No, sir. No, it did not. The business was only one sign and that's the variance they're asking for. We did look at the dimensions and that has no impact on that because it's just ...

I believe you said 20 square foot sign?

MR. SAROKI: 20 square foot.

MR. BYRWA: Okay. But that was 20 square foot over. I was wondering how the existing is determined, though.

MR. BUTLER: That is determined by frontage. By the length of the frontage.
MEMBER BYRWA: Okay. All right. Thank you.

MR. BUTLER: Yes, sir.

CHAIRPERSON KRIEGER: Is there any correspondence?

MEMBER NAFSO: There were 42 letters mailed, three letters returned, zero approvals, zero objections.

CHAIRPERSON KRIEGER: Thank you. And I'll open it up to the board.

Yes, Member Gronachan?

MEMBER GRONACHAN: Good evening.

MR. SAROKI: Good evening.

MEMBER GRONACHAN: I have no problem with this request. I think that your presentation was outstanding, by the way.

MR. SAROKI: Thank you.

MEMBER GRONACHAN: Good job. And I feel that because this is a separate business going in for under separate square footage, basically, they could rent a face from Wal-Mart and that's, basically, what they're doing. They're just not changing the facade of the building to represent the separate entrance for the
Having said that, that Town Center is growing by leaps and bounds and people are in it all the time, and I'm glad to see that. So if this sign is going to help bring people to your credit union, then I'm all for it. And I think that the size of the sign is minimal based on the size of the building and I think that this is a minimal request and it meets the spirit of the ordinance. And I will be supporting your request.

MR. SAROKI: Thank you.

CHAIRPERSON KRIEGER: Very good. Thank you.

Any other questions?

Yes, Member Sanghvi.

MEMBER SANGHVI: Have we done away with the mockups in the city now?

MEMBER GRONACHAN: Mockups?

MEMBER SANGHVI: I didn't see any mockup of this sign. I went looking for it yesterday. And, normally, you put a mockup there so I know where this sign is going and what it is going to look like.

MR. SAROKI: I'm sorry. I didn't know that was request or a requirement. I can point on the
MEMBER SANGHVI: Can you show me in the graphic where this sign is going to be and what it is going to look like?

MR. SAROKI: Yes, I can. So the top drawing, if you see on the screen, is the overall facade. And that sign is right where my pen is going. That is our sign. And the drawing below it is an enlargement. And you can see the Michigan First Credit Union logo is right in there.

MEMBER SANGHVI: I see. Thank you.

CHAIRPERSON KRIEGER: All right. Good clarification. Thank you.

MEMBER PEDDIBOYINA: Can I make a notion?

CHAIRPERSON KRIEGER: Go ahead. Thank you, Member Peddiboyina. If you'd like to make a motion.

MEMBER PEDDIBOYINA: Thank you. I move that we grant the variance in case number PZ18-0037 sought by Saroki Architecture of Michigan Credit Union because the petitioner has shown the practical difficulty requiring the installation of the additional 20 square feet exterior wall sign.

Without the variance, petitioner will be
unreasonably prevented and limited with respect to use of the property because the Michigan First Credit Union branch is inside the Wal-Mart store. And the petitioner -- the practicality -- the petitioner's customers may not be able to find the branch. The petitioner did not create the condition because the Wal-Mart store is existing structure.

The relief granted will not unreasonably interfere with adjacent and surrounding property because the alteration is for the existing structure. The relief is consistent with the spirit and the intent of the ordinance because the alteration is for existing structure and the installation will not interfere to be public safety. Thank you.

MEMBER GRONACHAN: Second.
CHAIRPERSON KRIEGER: We have a motion and a second. Any other discussion?

Seeing none, if Katherine could call the role.

MS. OPPERMAN: Member Byrwa?
MEMBER BYRWA: Yes.

MS. OPPERMAN: Member Ferrell?
MEMBER FERRELL: Yes.
MS. OPPERMAN: Member Gronachan?

MEMBER GRONACHAN: Yes.

MS. OPPERMAN: Chairperson Krieger?

CHAIRPERSON KRIEGER: Yes.

MS. OPPERMAN: Member Nafso?

MEMBER NAFSO: Yes.

MS. OPPERMAN: Member Peddiboyina?

MEMBER PEDDIBOYINA: Yes.

MS. OPPERMAN: And Member Sanghvi?

MEMBER SANGHVI: Yes.

MS. OPPERMAN: Motion passes.

CHAIRPERSON KRIEGER: Congratulations.

MR. SAROKI: Thank you very much.

MEMBER GRONACHAN: Good luck.

MR. SAROKI: Thank you.

MEMBER GRONACHAN: Um-hmm.

CHAIRPERSON KRIEGER: Our next case is PZ18-0039, MGA Architects for 1317 East Lake Drive, north of 14, south of -- wait.

North of 13, south of 14. The applicant is seeking a variance from the zoning ordinance, Section 3.1.5 for a four foot proposed side yard setback, 10 feet minimum required and aggregate side
yard of 16 feet, 25 feet combined required. This will allow a second story addition to the existing non-conforming structure.

MEMBER GRONACHAN: Madame Chair, can I ask, is your mic on?

CHAIRPERSON KRIEGER: Yes.

MEMBER GRONACHAN: Thank you.

MR. GORDON: Good evening.

CHAIRPERSON KRIEGER: Good evening.

MR. GORDON: I'm Mike Gordon. My address is 4351 Delemere Court, Royal Oak, Michigan 48073. I'm the architect representing the applicant.

MEMBER NAFSO: Mr. Gordon, please raise your right hand.

Do you swear to tell the truth in this matter?

MR. GORDON: I do.

MEMBER NAFSO: Thank you.

MR. GORDON: Yeah. With me this evening are the homeowners.

The project is a request for a variance to construct a second floor on a non-conforming structure. The home is only 1,084 square feet. With the addition
it will 1,960. We think this is a modest request and will allow the home to be modernized and brought up to a level of the surrounding neighborhood.

As noted, the lot is only 40 feet wide. And the one, I think, advantage to the way we've designed this, is the neighbor's driveway -- you know, we're close to that property line, but the neighbor's driveway is on that side. So the home sits relatively far from both the neighbors.

The current home has only two bedrooms and one bath, minimal living space. The addition will allow for a more functional three bedroom, two bath home with additional family space. The home will be much more family friendly.

The home will have minimal impact on adjoining residents and will have no deleterious effects. The renovation should enhance the neighborhood, which has seen significant investment over the years and will continue with the established patterns of investment, improvement and rebuilding.

The design meets the spirit and intent of the ordinance and we hope you will look favorably upon us and we'll answer any questions. So it's for the
dimensional variances for the side yards.

CHAIRPERSON KRIEGER: Thank you.

MR. GORDON: And we know that portrays the addition and we've captivated it in a very modest style, and we think it will blend in with that. Even the roof line has been brought down on the sides so that it's only a story and a half on the corners of home.

CHAIRPERSON KRIEGER: Very good.

MR. GORDON: Thank you.

CHAIRPERSON KRIEGER: Is there anyone in the audience that would like to speak regarding this case? Seeing none, open it up to the City.

MR. BUTLER: Just one comment. The new addition matches the footprint of the lower level.

CHAIRPERSON KRIEGER: Oh, very good. Thank you.

And correspondence?

MEMBER NAFSO: Yes. There were 51 letters mailed, four letters returned, one approval. That approval is from Gordon Wilson, address 1345 East Lake Drive. And it states that: "Mark and ..."

FEMALE SPEAKER: Isley (ph).
MEMBER NAFSO: "Isley reviewed their plans and answered the few questions I've had. Thanks for taking the time to allow me to review the plans. This will be a nice addition to the neighborhood. Lots surrounding the lake are challenging. I am in support of improving this variance."

Nothing further.

CHAIRPERSON KRIEGER: Very good.

I'll open it up to the board.

Member Sanghvi?

MEMBER SANGHVI: Thank you. I came and visited the property in question. I have no doubt that yours is the first step of the lot. There's nothing you can do without variances and you are not changing the footprint at all. So I have no problem.

MR. GORDON: Thank you.

MEMBER SANGHVI: I'll support your application.

CHAIRPERSON KRIEGER: I have -- the foundation supports the second story?

MR. GORDON: Yeah. We've had an engineer already out to look at that.

CHAIRPERSON KRIEGER: Very good. I also
would be in support because, just as you stated in your beginning.

MR. GORDON: Thank you.

CHAIRPERSON KRIEGER: Any other questions or a motion?

MEMBER NAFSO: Sure. I'll take this one.

CHAIRPERSON KRIEGER: All right. Member Nafso?

MEMBER NAFSO: I move that we grant the variance in case number PZ18-0039 sought by the petitioner in this matter. The applicant -- it's for the variance from the City of Novi zoning code of order man section 3.1.5 for a four foot proposed side yard setback where a 10 foot minimum is required. And an aggregate side yard setback of 16 feet where 25 feet combined aggregate is required.

The purpose of this is to allow for a second story addition to the existing non-conforming structure. Because petitioner has shown practical difficulty requiring this variance. Without the variance, the petitioner will be unreasonably prevented or limited with respect to use of the property because of how narrow the lot is and how the lots are situated
there along East Lake Drive.

The property is unique, again, for the same reason because of the way that the property is situated on a very narrow lot in a very congested area.

The petitioner did not create this condition. It existed -- in fact, there's a prior nonconforming use that exists there as it stands now. And the relief granted will not unreasonably interfere with adjacent or surrounding properties. Again, simply because of how the properties are situated in that area, this request is more the norm than it is the exception.

And the relief is consistent with the spirit and intent of the ordinance because of how things are situated there along East Lake Drive as is precisely this type of situation. And this board is called upon to review and use its common sense and judgment interpreting the spirit and intent of the ordinance.

MEMBER GRONACHAN: Second.

CHAIRPERSON KRIEGER: The motion is second.

Any none, if Katherine'd call the roll.

MS. OPPERMANN: Member Sanghvi?

MEMBER SANGHVI: Yes.

MS. OPPERMANN: Member Peddiboyina?
MEMBER PEDDIBOYINA: Yes.

MS. OPPERMANN: Member Nafso?

MEMBER NAFSO: Yes.

MS. OPPERMANN: Chairperson Krieger?

CHAIRPERSON KRIEGER: Yes.

MS. OPPERMANN: Member Gronachan?

MEMBER GRONACHAN: Yes.

MS. OPPERMANN: Member Ferrell?

MEMBER FERRELL: Yes.

MS. OPPERMANN: And Member Bywra?

MEMBER BYWRA: Yes.

MS. OPPERMANN: Motion passes.

CHAIRPERSON KRIEGER: Congratulations.

MR. GODSON: Thank you.

CHAIRPERSON KRIEGER: We wish you all the best.

FEMALE SPEAKER: Thank you so much. Thank you.

MEMBER GRONACHAN: Good luck.

FEMALE SPEAKER: That's fantastic.

CHAIRPERSON KRIEGER: All right. And that brings us to our last case PZ18-0041, Tina and Mark Miller, 1957 West Lake Drive, south of Pontiac and
north of South Lake. The applicant is requesting a variance from the City of Novi ordinance code 3.1.5 for an eight foot and 6.3 foot variance for a proposed two feet and 3.7 feet side setback required, 10 feet allowed.

A 9.4 foot variance for a proposed 5.6 aggregate side yard setback, 25 meet minimum required; and proposed 40.1 percent lot coverage, 25 percent maximum allowed. Covered balcony is included in these requested variance boundaries.

Go ahead.

MR. MILLER: Hi.

CHAIRPERSON KRIEGER: Hi.

MR. MILLER: This is my wife Tina. I'm Mark Miller. We reside at 1957 West Lake Drive Novi, Michigan 48377.

MEMBER NAFSO: Thank you. Let the record reflect that you're both raising your right hands. Do you each swear to tell the truth in this matter?

MR. MILLER: Yes.

MRS. MILLER: Yes, I do.

MEMBER NAFSO: Thank you.
MR. MILLER: So the prior applicant kind of stole my thunder. I think we live probably right across the lake from each other. But, as you're well aware now, there are hardships with living on Walled Lake and one of those hardships is very narrow lot. Ours in particular is a little over 30 feet and we have a house that is currently 24 feet wide. So at some point a variance was obtained from the City of Novi for the existing structure.

We were in here in 2012, I believe it was, to get a variance on a construction of a garage, which was our first phase of this remodeling project. We are now in here, basically, requesting or reaffirming the variance that we had previously obtained for this addition between the garage and the house and a little addition off the back of the house towards the lake. Some people call it the front, to me it's the back because it's not the street side.

So we are staying within the existing house footprint. We're not getting any closer to the lot line. So we're not changing the relationship between the property and the building structure. We're just trying to reaffirm the distance that we have between
the house and the garage, if we maintain that property relationship, that we will be allowed to complete the construction.

So there's -- as was read, the distance that needs to be maintained by the variance and we are certainly not within that. And that is because of the property size. Also, I talked -- the variance requests a larger use of the property by volume. So we're going to go from 25 percent to nearly 40 percent or a little over 40 percent.

All of this is consistent with the homes currently that have been remodeled along West Lake Drive. If you had a chance to drive that area, you'll see there are some very nice and large homes that have been recently remodeled in the last few years. And we believe that allowing us this variance and the ability to add on to our home is in compliance with and suits the neighborhood more than the condition of our house right now, which was last remodeled or built, we don't know which it was, in 1986.

So we believe we have some unique circumstances with the lot size. We don't believe there's an increase in fire potential or public safety
due to adding, basically, along our length and not
widening our property at all -- or widening the house
on the property.

We believe this will increase our property
value and make the neighborhood itself more appealing.
Because, as was stated before, more and more houses now
along the lake's edge are being remodeled as more
affluent people are coming into the neighborhood and
wanting to live on the lake. And they're converting
the smaller cottages into larger residential buildings
or homes because they have multiple kids or larger
families.

I think you have on record a signed statement
from our residents, our closest residents to the
northeast on 1953 West Lake Drive, a Mr. Robertson. We
sat with him and his wife on our patio and went through
our building structure and walked the property and took
the tape measure out. And upon that evening, he signed
the statement that he didn't feel that this impinged
upon his ability to view the lake or the access or use
of his property.

And again, I want to state that we believe
the variance is within the character of the
neighborhood.

So with that --

MRS. MILLER:  The neighbor.

MR. MILLER:  Oh, and we do have -- a neighbor
to our south, just on the on side of 1953, there's a
vacant lot, the city of Novi owns it, and then the
immediate home is Elizabeth's home. And so she's just
here for moral support and any comments she would like
to make.

CHAIRPERSON KRIEGER: Very good.

MR. MILLER: Thank you.

CHAIRPERSON KRIEGER: Thank you.

Is there anyone in the audience that would
like to make a comment?

Okay. If you could state your name and then
spell it for our court recorder (sic).

MS. BURKETT: My name is Elizabeth Biretta,
B-u-r-k-e-t-t. I live at 2005 West Lake Drive. As
Mr. Miller said, I am --

MEMBER NAFSO: Can you please raise your
right hand?

CHAIRPERSON KRIEGER: We'll have you sworn
in.
MEMBER NAFSO: Do you swear to tell the truth in this matter?

MS. BURKETT: I do.

MEMBER NAFSO: Thank you.

MS. BURKETT: As Mark said, I'm their nearest neighbor to the south. In between my house and lot and their house and lot, there are two empty lots that the City owns. And I have lived in my house since 1979 and those lots have been empty the majority of that time.

Since I've lived in my house a long time, I have seen a lot of changes in the neighborhood. Originally, they were summer homes and very small and the houses were so staggered. But as houses have been renovated and a number of new houses have been built on our street on the lake side, all of those houses are long and narrow and fill more of the lot than the original sort of cabins did in the beginning.

I think that the plans that you have to remodel their house, I do think it will improve not only my view, but also the property value because it does enhance the neighborhood every time a house is improved and more modernized. So I approve and I would like to say so.
Do you have any questions for a neighbor?

CHAIRPERSON KRIEGER: All right. Thank you very much.

MEMBER NAFSO: Just to be clear, your house is on the other side of that parcel that's owned by the City?

MS. BURKETT: Yes. There's one that has a drain and then another small lot that the City bought many years ago I think for tax purposes or got it through a tax issue.

MEMBER NAFSO: Thank you.

And, Mr. Miller, just to be clear, does your home directly abut that lot or is your home between you and that lot?

MR. MILLER: No. We are adjacent to the lot. Actually, there's an easement that has a storm drain and then the City-owned property that used to be some residential home at one point I believe. So we are next to the easement that is next to the vacant property.

MEMBER NAFSO: Okay. Thank you.

MR. MILLER: Yes.

CHAIRPERSON KRIEGER: Anyone else in the
audience.

Seeing none, I'll close it from the public.

And from the City.

MR. BUTLER: The only comment is a very narrow lake lot which makes it hard for the house to conform to normal zoning standards.

CHAIRPERSON KRIEGER: All right. Thank you.

And correspondence?

MEMBER NAFSO: Yes. There were 43 letters mailed, zero letters returned. One approval and zero objections.

And the approval letter, I believe, is the one that Mr. Miller mentioned here. It's dated August 19th, 2018. It's from the neighbor at 1953 West Lake Drive.

"As a homeowner of adjacent residents of 1953 West Lake Drive, Novi, Michigan, I have reviewed the neighbor's revised lot survey showing a proposed home addition for residents at 1957 West Lake Drive and determined that the home addition will not obstruct or otherwise block the view of Walled Lake. By signing this document I acknowledge the decision of the City of Novi Zoning Board."
CHAIRPERSON KRIEGER: Very good.
Now I'll open it up to the board.
Yes, Member Sanghvi?
MEMBER SANGHVI: Thank you.
I came and visited your place and as soon as
I came there, I realized I have been there before.
Thank you for reminding me that you were here five
years ago or six years ago.
MRS. MILLER: The garage.
MR. MILLER: I hope you found it better this
time than the last time.
MEMBER SANGHVI: Yeah. Actually, I was
surprised that you wanted to do anything. You still
have a good-looking garage in front of your house. And
I said, "Why do they want to break this all down and do
it all over again?"
MRS. MILLER: Attached.
MEMBER SANGHVI: But I see your point. And I
understand it. You can't do anything without these
variances and I have no problem. I totally support
you, sir. Now, go ahead and have the best of luck with
your new home. Thank you.
MR. MILLER: Appreciate it.
CHAIRPERSON KRIEGER: Yes, Member Peddiboyina?

MEMBER PEDDIBOYINA: Thank you.

Tina and Mark, a nice, good presentation. I visited your property, as my colleagues here. And also there are a lot of properties that are renovated and very beautiful houses. I have no issue and I'm okay.

CHAIRPERSON KRIEGER: Very good.

I also have over the years been driving up and down West Lake. And after I found it, I said, "Wow, this is a cool road."

And watching how they improved over the years, it's nice to see and I also am in favor of your request.

MR. MILLER: Thank you.

CHAIRPERSON KRIEGER: Member Bywra, can you help us with a motion?

MEMBER BYRWA: I wasn't prepared on this one here.

CHAIRPERSON KRIEGER: You can wing it and we can help you.

MEMBER BYRWA: Yeah. We can maybe give it a try here.
I move that we grant the variance for case number PZ18-0041 by Tina and Mark Miller. It's for 1957 West Lake Drive. Let me see, they're proposing two feet and 3.7 feet side yard requested. Minimum of 10 feet is allowed. In a 9.4 foot variance for a proposed 5.6 aggregate side yard setback minimum, 25 foot required.

I believe that the petitioner would be unreasonably prevented or limited with respect to using the property without the variance. The variance is not unique. It's pretty minimal in size, I guess, in comparison to the rest of the neighborhood. It's similar.

The petitioner did not create the variance. The property was previously platted and the house was pretty much existing on the lot when you bought it. And the relief granted would not unreasonably interfere with adjacent surrounding properties. I don't believe it would.

And the relief is consistent with the spirit and intent of the ordinance. So for those reasons, I move that we approve the variance.

MEMBER GRONACHAN: Will you accept a friendly
amendment?

MEMBER BYWRA: Yes.

MEMBER GRONACHAN: To add the 40 percent lot coverage.

MEMBER BYWRA: Oh, the change from the 25 percent to 40.1.1 percent?

MEMBER GRONACHAN: Correct.

MEMBER BYWRA: Yes.

MEMBER GRONACHAN: Then I would second that.

CHAIRPERSON KRIEGER: We have a motion and a second. Any other additions?

Okay. Seeing none, Katherine, call the role.

MS. OPPEMAN: Member Sanghvi?

MEMBER SANGHVI: Yes.

MS. OPPEMAN: Member Peddiboyina?

MEMBER PEDDIBOYINA: Yes.

MS. OPPEMAN: Member Nafso?

MEMBER NAFSO: Yes.

MS. OPPEMAN: Chairperson Krieger?

CHAIRPERSON KRIEGER: Yes.

MS. OPPEMAN: Member Gronachan?

MEMBER GRONACHAN: Yes.

MS. OPPEMAN: Member Ferrell?
MEMBER FERRELL: Yes.

MS. OPPERMANN: And Member Bywra?

MEMBER BYWRA: Yes.

MS. OPPERMANN: Motion passes.

CHAIRPERSON KRIEGER: Congratulations.

MR. MILLER: Thank you.

MEMBER BYRWA: Good luck.

MR. MILLER: Thank you very much.

CHAIRPERSON KRIEGER: All right. Any other matters?

No other matters. Then a motion to adjourn?

MEMBER SANGHVI: Make a motion to adjourn the meeting.

MEMBER BYRWA: Support.

CHAIRPERSON KRIEGER: All right. Very good.

We're adjourned.

(At 7:53 p.m., matter concluded.)
CERTIFICATE

STATE OF MICHIGAN)

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 fifty-three (53) typewritten pages, is a true and correct transcript of my said stenographic notes.

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

October 8, 2018
(Date)