REGULAR MEETING – ZONING BOARD OF APPEALS
CITY OF NOVI
February 12, 2019

Proceedings taken in the matter of the ZONING BOARD OF APPEALS, at City of Novi, 45175 West Ten Mile Road, Novi, Michigan, on Tuesday, February 12, 2019.

BOARD MEMBERS
Linda Krieger, Chairperson
David M. Byrwa
Brent Ferrell
Cindy Gronachan
Kevin Sanker

ALSO PRESENT:
Lawrence Butler, Community Development Deputy Director
Elizabeth Saarela, City Attorney
Katherine Oppermann, Recording Secretary
Certified Shorthand Reporter, Diane Szach
CHAIRPERSON KRIEGER: Good evening and welcome to the Novi Zoning Board of Appeals for Tuesday, February 12th. It's 7:00 now and I'm glad you were able to make it because of all the maze out there.

And if we could rise for the Pledge of Allegiance, and if Brent could lead us.

(Pledge of Allegiance recited.)

CHAIRPERSON KRIEGER: And if Katherine can call the roll, please.

MS. OPPERMANN: Member Byrwa?

MR. BYRWA: Here.

MS. OPPERMANN: Member Ferrell?

MR. FERRELL: Here.

MS. OPPERMANN: Member Gronachan?

MS. GRONACHAN: Here.

MS. OPPERMANN: Chairperson Krieger?

CHAIRPERSON KRIEGER: Here.

MS. OPPERMANN: Member Peddiboyina is
absent, excused.

Member Sanker?

MR. SANKER: Here.

MS. OPPERMANN: And Member Sanghvi is absent, excused.

CHAIRPERSON KRIEGER: Thank you. So we have a board that we can get our decisions for the number of majority vote. This is a public hearing. It's televised as well. And if you'd like to put an overhead, the overhead display will show on the overhead on the computer and then at home as well to assist with the presentation.

And then rules of conduct are posted in the back on the way in. And if phones are just to the ringing-off tone, we'd totally appreciate that.

And for approval of the -- we have an agenda tonight for five cases, and are there any changes to the agenda?

MS. OPPERMANN: There are not.

CHAIRPERSON KRIEGER: All right. So do we have a motion to approve?

MS. GRONACHAN: So moved.

MR. BYRWA: Second.
CHAIRPERSON KRIEGER: We have a motion and second. All in favor say aye.

THE BOARD: Aye.

CHAIRPERSON KRIEGER: We have an agenda unopposed.

We have minutes for January 2019. Are there any changes?

Seeing none, do we have an acceptance for -- moved to accept the minutes for January 2019?

MS. GRONACHAN: So moved.

MR. SANKER: Second.

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

THE BOARD: Aye.

CHAIRPERSON KRIEGER: None opposed. Very good.

Public remarks. If anyone has anything regarding something other than the case tonight, if you want to come up and state your name, and put in your remarks for the zoning, that's fine.

Seeing none, we'll close that part.

And we have our public hearings, and our first case is PZ18-0057, Somnio Global, L.L.C.,
45145 West Twelve Mile, Parcel 50-22-15-126-015. The applicant is requesting a variance from the City of Novi Ordinance Section 4.682 to allow an exterior bulk nitrogen storage tank required for research. Limited warehousing or storage of products used in research is allowed by code. The property is zoned Office Service Technology.

And if you could state your name, and if you're not an attorney, be swore in by our secretary.

MS. SAARELA: Can I just put something on the record before we start? This will be a use variance, undue hardship standards right now. In the motion or in the recommendations we have the standards for a nonuse variance, the practical difficulty standard. So you need to be looking at the undue hardship standards from the zoning ordinance, and this will take a unanimous vote of five to pass instead of the standard for a nonuse variance.

CHAIRPERSON KRIEGER: Thank you very much.

MS. GRONACHAN: Would you please raise your right hand. Do you swear or affirm to tell the truth in the matter before you?

MR. ANNEAR: I do.
MS. GRONACHAN: You may proceed. If you can start with your name, please spell your name for the recording secretary.

MR. ANNEAR: My name is Steve Annear, A-n-n-e-a-r. I'm the vice president of Somnio Global which is the applicant.

I just need to -- I've got a short presentation if I can pull it up. I just need to figure it out. There we go. Excuse me a minute.

So this is the Somnio site, 45145 West Twelve Mile Road, which is a 148,000 square foot building zoned OST that sits on 24 acres there, which is relevant I think to the application. And you will see -- we purchased this building in 2013. The application says 2012. I apologize for that. But we bought it to set up this new company, Somnio Global, and since that time we've been progressively fitting the facility out with the equipment and people that we need to do our research.

And you will see at the back of the building is the white structure there is the tank that we are applying to have -- to be allowed to be sitting there permanently, and I'll explain why that's
important to us. So that is the site, and I'll take us through some more detail on how the tank is situated on the site.

But first some background. The technology that we need this bulk nitrogen for is a technology known as laser-assisted cold spray. It's a technology that we have developed and we have patented, and it's a unique way of being able to bond metals. The significance of that is that we can bond very light metals with very heavy metals and therefore reduce the weight of heavy components in motor vehicles. And the most application for this technology right now is for lightweight brake rotors. Our objective is to save about 40 pounds of weight per vehicle, thereby saving emissions and saving fuel consumption and so on, and reducing the overall cost of the vehicle. So 40 pounds in the automotive world is a very, very big deal.

We've been working on the technology for almost four years on the site, and we in the very, very early days experimented with different types of gas that would be the carrier gas that allows us to deposit. And the deposit is a spray process that
we're using to bond these metals. The gas that works best in this process is nitrogen, and we use a lot of it and we use it under pressure, because it's actually the fuel under which we deposit the metals.

So nitrogen is critical for the success of the technology, and we think we've probably got another three to four years of work before we can get this to market. We've had a lot of attention and enthusiasm from the industry, but we're not yet ready to commercialize this. There's still work to be done and we're going to continue to use nitrogen, it is the gas that we've settled on.

When we set this nitrogen tank up, we weren't sure how long we would need it for, because we weren't sure it was the ultimate carrier gas for us. We're getting close to saying we're absolutely certain it is. So we're going to need to be able to use nitrogen in bulk form for some time yet, and the safest and most cost effective way to use and supply nitrogen to our process is through a bulk tank of liquified nitrogen.

So we're requesting for us to continue our work and to bring this pretty exciting technology to
market, we're requesting your consideration to allow us to keep the tank in place. The tank and the aerators have been in place under temporary planning permits, and we've rolled those over with the city's permission, but now we're looking for more permanent approval from you.

In terms of -- is there any questions on that?

MS. GRONACHAN: Yes, we'll get there.

CHAIRPERSON KRIEGER: We'll get there.

MR. ANNEAR: Okay. So sorry about the clarity of this diagram, but this is our site plan. You can see the existing building sort of faces almost north, a little bit northwest. And this is Twelve Mile Road out here. So we're deep in the site well away from the roads. You can't see our site -- our plant from the road from most angles. And the existing tank is sitting right here at the back of the site. You've got the railroad line along the back there. So we put it there so it's right out of the way of everything. Plus the process itself, the process is just inside the building there.

So here is the schematic of the
installation itself. The circular area there is the tank. And these honeycomb looking things are the aerators that turn the liquid nitrogen into nitrogen gas to allow us to use it. So we situated it there. We had a permit to build the pad and put it all into place. It's 6000 gallons. It's quite tall, about 24 feet tall, and 8 foot in diameter. All of the equipment is owned by Praxair, our supplier. They have remote monitoring in place to insure safety compliance and functionality, and they manage the whole installation. That's part of the contract that we have with Praxair. So it's handled well, professionally, and safely. We had to put the tank outside the building to allow the Praxair truck to come in and fill it up, which happens depending on the amount of work we're doing, it happens twice a month, sometimes three times a month.

So here is a picture of it. Now, the tank on the right there and the -- so facing that way, tank on left, aerator on the right, and that's our building there. You see our building height there. The lighter part is about 40 feet. So it's well above the height of the tank, and we deliberately did that to
allow ease of access and reduce the visibility of the
installation. It's surrounded by bullards for safety,
and then looking northwest you can see another angle
of the site there. We're fenced off neat and tidy.

Facing northeast, again it's tucked in
there in the L-shape of the building so that it's
pretty much out of the way. You can see the access
road there for the truck.

And then looking now from -- looking
westward here you can see that it's all pretty heavily
wooded around the back of the site there, so it's
very, very hard to see the installation at all. From
an elevated position looking down from where the new
A123 building is, you'd be able to see it, but that's
probably the only neighbor that could sight the
building right now.

So we have an installation that's safe,
it's well looked after, it's run by a professional,
it's out of the way so no one can see it, but it's
also critical to our success in what we're doing.

And that's -- I'm ready for questions.

CHAIRPERSON KRIEGER: Thank you very much.

MR. ANNEAR: You're welcome.
CHAIRPERSON KRIEGER: Is there somebody in the public that would like to remark regarding this case?

Seeing none, from the City?

MR. BUTLER: Like the gentleman said, they've had the tank there for several years, and they've been just using it under a special use permit which we encouraged them to do, and then we finally said why don't you go to the ZBA about getting a more permanent solution for that and we recommended that they come.

CHAIRPERSON KRIEGER: Thank you. And correspondence?

MS. GRONACHAN: Yes, Madam Chair. There's 39 letters mailed, two letters returned. Two objections.

The first objection is from a Chandra, C-h-a-n-d-r-a, Ralla, R-a-l-l-a, at 44861 Stockton Drive in Novi. Allowing exterior bulk nitrogen storage tank can cause health issues nearby all subdivisions if there is any leak in the tank. Therefore I object this request.

The next letter is from Padma D-u-r-b, as
in boy, h-a, at 44849 Stockton Drive. We were seriously concerned about the safety of the residents of our property as well as the nearby homes in our subdivision due to the installation and service operation and long-term integrity of the cylinders, exterior bulk storage tanks or the containers. Despite any precautions, accidents could happen. Residential areas should be kept safe from any safety hazards. We are worried about the health risks associated with the gases involved. Requesting the City to not put residents at risk. Enclosing an objections.com.

That completes the correspondence.

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

Ye, Member Byrwa.

MR. BYRWA: I have several questions. My understanding is that this tank is not under pressure?

MR. ANNEAR: No, it's not.

MR. BYRWA: It's fed by gravity?

MR. ANNEAR: Yes, it is.

MR. BYRWA: And then the -- it said that it's monitored. Who is doing the monitoring?
MR. ANNEAR: Praxair. So we have a remote monitoring system that connects all of the data that is monitored back to Praxair's main control center. And that is something that is a requirement of their installation, sort of a dedicated phone line that provides them feedback. So we do our own visual monitoring, and they have -- when they arrive to refill it, they have a checklist.

MR. BYRWA: There is -- with the liquid nitrogen, there is not any fumes that are given off?

MR. ANNEAR: Not at all.

MR. BYRWA: It's just a very cold substance several hundred degrees below zero?

MR. ANNEAR: That's correct.

MR. BYRWA: And there's no fumes involved with the liquid nitrogen?

MR. ANNEAR: Not at all.

MR. BYRWA: Thank you.

MR. ANNEAR: And if I could, am I able to address the concerns?

CHAIRPERSON KRIEGER: Yes, go ahead.

MR. ANNEAR: So I don't know the exact date of this, but maybe three years ago we had several
residents concerned about the tank when the temporary permit was being considered, and we had a meeting here. Most of those residents were located north of us across Twelve Mile Road. And so we were -- we had the meeting. The meeting was also attended by the fire department who were able to assure them that the nitrogen gas itself is very safe. In fact, our atmosphere is just full of nitrogen, and if there was a leak from the tank, it would be very safe. The only way that nitrogen can cause a health concern is in a closed environment where it causes an oxygen depletion, another reason to have a bulk tank outside.

But in any case, the fire department was totally supportive of the safety of the gas itself, and at that time the residents -- and we met with the residents association, we gave them a whole lot of safety documentation from Praxair to assure them that everything was okay. I totally understand their concerns, because if you don't understand and all you're thinking about is gas under pressure and what is the gas and what can the gas do, it can be scary. And I'm happy to go and talk to them again with your permission if that's appropriate to make sure that
there is good dialogue between us and the community.

Interestingly, and I had said to the homeowners association, any time you want to come and visit us and have a look at what we do, we'll show you around. We're happy to host any of their neighbors, because we're actually very, very excited about what we do, and we've got nothing to hide certainly, and we believe it's totally safe. So -- and I would always extended that offer to our neighbors.

CHAIRPERSON KRIEGER: Thank you.

Yes, Member Byrwa.

MR. BYRWA: I just have one more question. Around the house my understanding is that nowadays they put nitrogen in -- the air nitrogen inside your car tires and probably your double-pane windows, a lot of time it goes in there to absorb moisture and such. Is there anywhere else around the house where you would find nitrogen being used other than car tires and in windows?

MR. ANNEAR: Look, I'm just not an expert. I couldn't comment on that. I mean, I just know more about what we use nitrogen for. But argon is a similar kind of inert gas that's used for purposes
such as insulation between windows, because it's stable and safe.

MR. BYRWA: Right. The same thing in car tires now, it holds the pressure a lot more evenly and resists moisture.

MR. ANNEAR: Yes. It's a very safe gas.

CHAIRPERSON KRIEGER: Yes, Member Gronachan.

MS. GRONACHAN: Thank you. Good evening, welcome.

MR. ANNEAR: Good evening. Thank you.

MS. GRONACHAN: So you've been here since 2013?

MR. ANNEAR: That's correct.

MS. GRONACHAN: And this business is research and development?

MR. ANNEAR: Yep.

MS. GRONACHAN: And how exciting to find out what's going to actually work on making our cars less expensive, right?

MR. ANNEAR: Yes. We hope so.

MS. GRONACHAN: So once this is developed, will this be manufactured here? I guess what I'm
looking for is why is the -- is the tank going to stay for ever and ever, or is it going to stay for this particular research project?

MR. ANNEAR: Okay. That's a very appropriate question, because our business model is that we will get the technology to a point where someone else with the skills will industrialize it. That may be an OEM, and we've spoken to a couple of them, but it might be a tier one supplier that will take on the start up of that. We won't do that because it's not even our skill set. We're as you said a research and development company. We'll take it to a point where we think we can extract maximum value from the work that we do.

So that's what will happen with the rotors. And it will be the first application of this technology to go to the market, but the technology itself has lots of other possibilities, and the ability to bond metals and how that could light weight other components but also used in other applications, and one of them is electrical connections in electrical vehicle batteries, that's another one we've done some work on, they're all promising areas that we
will explore. Whether in all applications nitrogen will be the carrier gas, I can't say that. My point being, though, is once the rotors are done, we'll move onto other -- we'll explore other things with this.

MS. GRONACHAN: So there will still be a need for the tank at that point?

MR. ANNEAR: I would think so. It depends whether we use nitrogen or not because different metals respond to different carrier gases. The alloy that we're using for the rotors is particularly effective with the nitrogen. So I can't be certain that nitrogen will be the gas of the future for us in every application. I think it's likely, though.

MS. GRONACHAN: So in the event that you would find that you would not need to use the nitrogen, would the company consider removing those tanks?

MR. ANNEAR: Yes. So -- because we pay rent on them. So if we weren't using them, we would just have the vendor remove them. In order to get a cost effective deal, it wasn't the greatest deal in the world because we were little and we are little, and we signed a seven-year lease with Praxair. We
tried to go shorter because we were uncertain, but the expense of that and the impact on our immediate cash flow was so big that we sort of rolled the dice on that and said we'll take the longer. If we were to remove them, and we knew we didn't have a forever permit on it, if we were to remove them, there is a penalty we would pay Praxair to come and take them, but we factored in to, you know -- we're all about risk and managing risk, so we just factored that into our thinking.

MS. GRONACHAN: I think that Member Byrwa addressed the issue about the danger of nitrogen.

MR. ANNEAR: Yes.

MS. GRONACHAN: So I would like to ask the City if it's possible to have that report from the fire department included in this packet to help substantiate the information that we have. It would have been nice to have that report so we could -- that would back our -- help back our decision. Is there a --

MR. BUTLER: I can inquire with the fire marshal to see if they do have a report on that. So just to add, nitrogen is an inert gas, it's
nonreactive, and it doesn't explode. If nitrogen is released in the air, it dissipates in the air. It pretty much goes away, and just like the gentleman said, if you're in a closed room, and the gas was in the room, it would be harmful, but it's not a reactive gas.

MS. GRONACHAN: Right. Unfortunately not everybody knows that.

MR. ANNEAR: That's the issue.

MS. GRONACHAN: So my job is to make sure that every I is dotted and T is crossed. And this is really exciting, and when you have residents out there that are concerned about a safety issue, I want to make sure that it's covered so they understand it. It's not as important that we understand it, but that they have -- that they're quiet and they're calm about any kind of health issue or breathing issue or anything. So that's why the thoroughness and the questions.

MR. ANNEAR: You're absolutely right. And our supplier Praxair has all of the data and any report that you would require, which I know we gave it to the residents association after we had met with
them. I don't know that we submitted it to the city, but we just committed to following up with them and with the residents and making sure they're okay. And I'm not sure that the fire department submitted a report to that meeting, but they were in attendance and addressed the meeting.

MS. GRONACHAN: If there was a meeting here, then there's got to be a record of it somewhere.

MR. ANNEAR: Okay.

MS. GRONACHAN: Then my final question is, where the tank is, the other picture that you had up showing the actual property in line if you would. There. What is -- is that to the north?

MR. ANNEAR: That's to the south at the bottom.

MS. GRONACHAN: Twelve Mile is --

MR. ANNEAR: Twelve Mile is the angled road to the left. Here it is. So this is Twelve Mile out here. So our entry and exit is out onto Twelve Mile.

MS. GRONACHAN: So this lower property line, what is next to your property?

MR. ANNEAR: That's the rail line.

MS. GRONACHAN: Just the train tracks and
no residential area?

MR. ANNEAR: No. Then this is the rail line, because it comes onto their property there.

MS. GRONACHAN: Okay. I think that you did an excellent job. I think that your presentation was great. I loved your answers to my questions, and I have no problem supporting your request.

MR. ANNEAR: Thank you.

CHAIRPERSON KRIEGER: Yes.

MR. SANKER: How is it going?

MR. ANNEAR: Good.

MR. SANKER: What is the exact variance you're looking for? I'm just not totally clear. Because to be frank, when I read the 4.68, it seems like the use is -- the use of this tank isn't in the ordinance, so I'm just not totally clear on what the -- on what the exact variance is. Maybe this is a city thing or a council member thing.

MS. SAARELA: So it's outdoor storage. It's not a permitted use in that district.

MR. SANKER: So he's looking for a variance on it being allowed outside?

MS. SAARELA: Outdoor storage of a tank.
MR. SANKER: Gotcha. Thank you. That was it for me.

CHAIRPERSON KRIEGER: Member Ferrell any questions?

MR. FERRELL: I do not.

CHAIRPERSON KRIEGER: I drove on your site today, and I thank you for having the gates open to allow us to do that. And the site was nice and was clean and safe, so I'm sure as you say the fire marshal was in the meeting, and that they would continue to be so for checkups. I don't know if they do that.

MR. ANNEAR: We get periodically inspected, yes.

CHAIRPERSON KRIEGER: And then the -- also my question -- I do have a question about the other accessory outdoor -- the white trailer, was that part of that as well?

MR. ANNEAR: So that's a different technology, and we recently had that -- that is a -- called a reefer or refrigerated container, and in that container we're doing trials on the preservation of food that is refrigerated but has a short shelf life,
and the key to that is the reduction of ethylene in that environment. So that's a different set up altogether. In fact, we had that -- a reefer inside the building, and the fire department, we worked with them, they were a little concerned about the confined space nature of that, and it didn't have a dedicated fire suppression system. So they basically said either put a dedicated fire suppression system in the reefer or put it outside, so we put it outside.

CHAIRPERSON KRIEGER: Thank you. That answers that question from that. And also I work where outside the building there are tanks, and I always wondered what would happen, and I guess BOC gases, the same thing, that since it's a nitrogen, that it's not going to be like hydrogen and explode, it's just going to dissipate. So that is reassuring as well, and then reassuring the public in that, and that the Praxair also is checking up on the tank while they're refilling it, so -- and then your presentation was very excellent, so I also would be -- and it's exciting information to have rotors having them less weight, being able to put metals together with a laser is really neat technology, so I appreciate you being
in Novi, and I would be in support of your request.

MR. ANNEAR: Thanks very much. I appreciate you took the time to visit.

CHAIRPERSON KRIEGER: Thank you.

MS. GRONACHAN: They wouldn't let me on the property. They saw me coming and they locked the gate.

Madam Chair, I'm somewhat prepared, I may need some help, but I'm somewhat prepared to make a motion if there's no further discussion in this matter.

In Case Number PZ18-0057 sought by Somnio Global, L.L.C., to allow the petitioner to use the property for outside bulk storage of nitrogen, I move that we approve this variance because the petitioner has established an unnecessary hardship.

MS. SAARELA: It's not the way it reads. The motion is for undue hardship.

MS. GRONACHAN: Undue hardship. The petitioner cannot use the property properly -- the petitioner cannot use the property as permitted in the OST zoning district because of the unique circumstances of the property, particularly with the
construction of the building which prevents inside storage due to the size and amount of product that the petitioner uses. Using the property for outside storage in the OST zoning district will not alter the essential character of the area because there are no safety issues in the surrounding area, there are no health hazards in the surrounding area, and as previous testimony given, the petitioner has indicated that plenty of safety measures have been followed. The petitioner and its predecessors did not create the need for this variance because of the type of business that is ever evolving and changing in research and development, and therefore I move that we grant the variance.

MR. BYRWA: Can I add a friendly amendment?

MS. GRONACHAN: Sure.

MR. BYRWA: I would maybe recommend that it goes in the motion that it be a maximum of 6,000 gallons of liquid nitrogen located at the south side of the property.

CHAIRPERSON KRIEGER: Is that what the tank is?

MR. ANNEAR: 6000 pounds, yes.
MS. GRONACHAN: The friendly amendment is accepted. Anything else? Is there a second?

MR. FERRELL: Second.

CHAIRPERSON KRIEGER: Very good. We have a motion and a second. Is there any other discussion?

Seeing none, if Katherine can call the roll.

MS. OPPERMANN: Member Byrwa?

MR. BYRWA: Yes.

MS. OPPERMANN: Member Ferrell?

MR. FERRELL: Yes.

MS. OPPERMANN: Member Gronachan?

MS. GRONACHAN: Yes.

MS. OPPERMANN: Chairperson Krieger?

CHAIRPERSON KRIEGER: Yes.

MS. OPPERMANN: Member Sanker?

MR. SANKER: Yes.

MS. OPPERMANN: Motion passes.

CHAIRPERSON KRIEGER: Congratulations.

MR. ANNEAR: Thank you very much.

Appreciate it.

CHAIRPERSON KRIEGER: That brings us to our next case, PZ18-0061 for Jenny Griffith, East of Old
Novi Road and south of East Lake, Parcel 50-22-02-357-010. The applicant is requesting a variance from the Novi Code of Ordinance Section 3.1.5 for a 16 feet front yard variance for a proposed 14 feet setback, 30 feet required; a 25 foot variance for a proposed 10 foot rear yard setback, 35 feet required; a 6 and 11 foot variance for a proposed 4 feet by 4 feet side yard setback, 25 feet total allowed; a 26 percent variance for a proposed 51 percent max lot coverage, 25 percent required; and a 19 foot front deck variance for a proposed 6 foot deck, 25 feet required. This property is zoned Single Family Residential.

MS. GRONACHAN: Good evening. Could you please state your name and spell it for the recording secretary.

MS. GRIFFITH: My name is Jenny Griffith, and the spelling of my last name, G-r-i-f-f-i-t-h.

MS. GRONACHAN: Thank you. Would you raise your right hand to be sworn in, please.

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

MS. GRIFFITH: I do.
MS. GRONACHAN: Thank you.

MS. GRIFFITH: So I was here a month ago and submitted a request for a variance because I am thinking about purchasing a lake lot on Walled Lake. It's 30 feet wide and 80 feet deep where the actual part -- the part of the lot where the house would be. I was told at that time that the only issue that you saw was that 51 percent lot coverage. So I went back and did my homework, and when I did that, due to the lake lots, they're -- a lot of the homes were built in 1930 and they're cottages, so there is no real way to calculate square footage the way you typically would by width times length. So I had to go to the cityofnovi.org and look at the reference maps, and I used the acreage and turned it into square feet for the lot coverage, and I divided it by the foundation of the homes on the lake that are existing now. So this is the calculation I used for the following coverages. And when I came here before I said I had 51 percent lot coverage, but using the acreage converted to square feet, it turns out that the coverage is 47 percent for the house I want to build on this narrow lot.
I then looked at probably the whole east side of the lake, and that's where I'm building or I'd like to build is the east side of the lake. And when I did that, I plotted out all of the homes that had a greater than 50 percent coverage, and all of the homes that had between 40 and 49 percent. So you can see there are quite a few homes there that are in my range as well as greater than -- 50 percent and greater.

I actually created a spread sheet showing every address showing the square footage of every home, showing the square footage of their lots and the percent coverage listed here. And you can see if you look at the spread sheet, it lists it in order greater to smaller. I'm the one in the red, so I'm at 47 percent. So I think there is one, two, three, four, five lots or five other homes that have coverages higher than mine. And if you look under it, there are quite a few homes in the 40 to 49 percent coverage.

This is the actual plot of the home. The home of course is the part n the middle, and the boundaries are listed here along with the variances. So this is what I had shown you I think last time I was here. And at that same time I was told that maybe
I need to get more of a plan to show you. So here it is. You're looking at the first floor of the house. It does have a garage, so there will be no cars in the front of the house. The left side of this lot of this house is East Lake Drive. The right side is Chapman Drive. So the garage faces Chapman Drive, so there will be no cars on the street that would kind of not look that great for anyone driving down East Lake Drive.

This is the neighbor directly -- if you're facing my house, directly to the right. If you look at this house, you can see that it's actually taking up more of the lot than my house is, and I can -- and I plotted it out on this spread sheet. In addition to that, I'm going to show you the comparison of the two lots, and you can see that the neighbor's house goes all the way back literally to Chapman Drive. My house would come in 10 feet from Chapman Drive. So there will be a driveway and then into a garage.

This is what the lot looks like currently. You can see the neighbors house is on the left. To the right is a pontoon boat as well as a vehicle of some sort. This is the lot across the street that has
a camper there, and that's the existing lot as it is
now.

This is the house I would like to build
there. You can see it is just a two-story home, lots
of windows in the front. Brick. I've already met
with Chris Webber, the person who approves the
building permits, and he looked it over and gave me
all the specs on it and said everything I wanted to do
would not be an issue with permits.

I just wanted to show some existing homes.
This is two doors down from where my house would be.
You can see there is kind of no real design. I don't
know how to say it. It's kind of like no rhyme or
reason to the types of houses, the models of the
house, the colors. It's not like being in a
homeowners association where every house has to look
alike, and it's kind of extreme opposites.

So I just wanted to show -- this is all on
East Lake Drive. It's either newer homes mixed with
cottages. There are two-story homes, there are
one-story homes right beside each other. And you can
see the two homes on the left are almost touching.
And then you have the two-story home to the right of
those. So you're comparing kind of cottages of the 1930's to people who have either renovated those cottages to make them a lot bigger or just built the homes.

Once again another example of this, cottages on the left and a newer home on the right. And yet another example.

And after all of this research, I kind of figured out that when these cottages were originally built, they were cottages, they were smaller. People really I don't think lived in them year round. If you look at the spread sheet, the homes that have the higher lot coverage are the either newly built homes or newer homes or newly renovated homes, because they're no longer cottages, they're year-round residences.

And I also wanted to point out that I think that it would really build the property values, raise the property values of the existing homes as newer homes come in or renovations come in, and also the aesthetics of the neighborhood compared to a camper and an old pontoon boat that sit on the lot currently.

So that is my research, my homework from my
last meeting.

CHAIRPERSON KRIEGER: Thank you. Anybody in the audience have anything regarding this case? Seeing none, from the City?

MR. BUTLER: No comment.

CHAIRPERSON KRIEGER: Thank you. Any correspondence?

MS. GRONACHAN: Yes, Madam Chair. 56 letters were mailed, 4 letters returned. One approval, one objection. The approval comes from Gary Ehlers, E-h-l-e-r-s, at 1705 East Lake Drive. I support and approve the new structure and variance. This will continue to bring the home values up for Novi and the variance process is very good. As a neighbor I have done four variances with my residence with Novi. It will also beautify East Lake Drive in Novi.

Next letter is from an Amy Weston, that's W-e-s-t-o-n, at 1715 Paramount. The nature of East Lake Drive nearest Pavilion Park will change if this proposal is approved. While an added 6 foot to the deck and a 2 foot variance at the front simply enhances the nature of Lakeside living, that is so
apparent to all walking, biking and driving along East Lake Drive from Herman Street to the park. The whole structure enlargement encompassing all but 4 feet on each side and 10 feet along Chapman will shoehorn a bulging house along present individual homes that meet guidelines. That size dwelling will set precedent for future remodeling of the affordable housing along East Lake Drive nearest the park. Please decline the side and rear proposals to maintain current ordinances.

CHAIRPERSON KRIEGER: Thank you very much.

Open up to the board.

MS. GRONACHAN: Wow. When I say do homework, you really did your homework.

MS. GRIFFITH: I'm a teacher.

MS. GRONACHAN: I'm exhausted. Good job.

MS. GRIFFITH: Thank you.

MS. GRONACHAN: I guess I've been on this board for a while now that I probably -- a large percentage of those homes on that street I have been to, walked around, seen over the last 13 years more times than I can -- I feel like I should either be on their Christmas card list or invited for dinner.

Each lot is unique to it's own unique
circumstance, and so your lot is unique as well. When I'm looking at making a variance up at that end of town, as a long time board member I have to take into consideration your lot coverage, you as an individual. And although we have passed many variances up at that end on all of those lots, there isn't one that I know about that fits any ordinance in the City of Novi or have they ever. When we're looking at them, we take all of that into consideration in that it's unique, okay, in its own right. It's size and shape, you couldn't fit a very -- a normal building on there. So we know that coming in to looking at these cases.

When I asked you for a plan, it's so we could get some sort of visual as to just exactly -- we can't have people come in going I'm going to build a house, and you have to guess what it's going to be. So I thank you for spelling that out.

I feel that -- I just want to clarify. So you're going to bring it down from 51 percent maximum lot coverage to 47 percent, and with that you basically did what I asked, and for that I'm going to be in support of your request.

MS. GRIFFITH: Thank you.
CHAIRPERSON KRIEGER: Thank you very much.

Member Byrwa?

MR. BYRWA: No.

CHAIRPERSON KRIEGER: Member Ferrell?

MR. FERRELL: I'll just do a motion if everybody is ready.

MS. GRONACHAN: Go.

MR. FERRELL: I move that we grant the variance in Case Number PZ18-0061 sought by Jenny Griffith for a 16 foot front yard variance for a proposed 14 foot setback, 30 feet required; a 20 foot variance for a proposed 10 foot rear yard setback, 35 feet required; and a 6 and 11 foot variance for a proposed 4 foot by 4 foot side yard setback, taking the lot coverage from 51 percent down to 47 percent because the petitioner has shown practical difficulty regarding the variance to build a home on such a narrow lot. Without the variances, the petitioner will unreasonably be prevented or limited with respect to the use of the property because of the narrowness of the lot to be able to build a comparable home consistent with the area. The property is unique because it's a lake lot and the narrowness of the lot.
The petitioner did not create the condition as the lot was plotted long ago. The relief granted will not unreasonably interfere with adjacent or surrounding properties as this is a minimal variance necessary to build a home that is comparable to surrounding area to keep up with the aesthetics in the area. The relief is consistent with the spirit and intent of the ordinance as this is a reasonable request for the lot size and only 47 percent coverage. For this I move that we grant the variance.

MS. GRONACHAN: Second.

CHAIRPERSON KRIEGER: We have a motion and a second. I would like to add that you had an excellent presentation, and it's different. I was expecting to see a rendering, but you did show what you wanted, and it's within -- with the percentages from other homes, that it was within that, and that's what got me. I'm sorry that it wasn't in our packet because I didn't understand until you presented it, but I very much appreciate you putting that in, and then also going to the 47 percent from 51 percent, and you seem to know all the neighbors and the surrounding homes like we drive up and down. So congratulations,
I appreciate it, and I'll be supporting you, too.

MS. GRIFFITH: Thank you.

CHAIRPERSON KRIEGER: And, Katherine, can you call the roll.

MS. OPPERMANN: Member Sanker?

MR. SANKER: Yes.

MS. OPPERMANN: Chairperson Krieger?

CHAIRPERSON KRIEGER: Yes.

MS. OPPERMANN: Member Gronachan?

MS. GRONACHAN: Yes.

MS. OPPERMANN: Member Ferrell?

MR. FERRELL: Yes.

MS. OPPERMANN: Member Byrwa?

MR. BYRWA: Yes.

MS. OPPERMANN: Motion passes.

CHAIRPERSON KRIEGER: Congratulations.

MS. GRIFFITH: Thank you.

MS. GRONACHAN: Good luck.

CHAIRPERSON KRIEGER: That comes to our next case, PZ18-0064, Christopher Leineke, 2292 Austin Drive. It is Parcel Number 50-22-10-227-018. The applicant is requesting variance from the Novi Zoning Ordinance Section 4.19G for a proposed accessory
structure less than 10 feet away from garage, 10 feet minimum required; Section 3.1.5 for a minimum side yard setback of 5 feet, 10 feet required; a lot coverage of 33 percent, 25 percent allowed; proposed front yard setback from road of 25 feet, 30 feet minimum required. Property is zoned Single Family Residential.

MR. LEINEKE: Good evening everyone, Chris Leineke. So I was here, oh, a while ago.

CHAIRPERSON KRIEGER: Are you an attorney?

MR. LEINEKE: No.

MS. GRONACHAN: You need to raise your right hand and be sworn in.

MR. LEINEKE: Okay.

MS. GRONACHAN: Do you swear or affirm to tell truth in the matter before you?

MR. LEINEKE: I do.

MS. GRONACHAN: Would you please spell your last name for our recording secretary.

MR. LEINEKE: L-e-i-n-e-k-e.

MS. GRONACHAN: You may proceed.

MR. LEINEKE: So I was here a while ago. I purchased an older home on Austin Drive, and I was
seeking a variance, which you guys granted the last
time, and we got into at the time it was going to be a
remodel, and it required removing maybe 20 percent of
the old structure and replacing it with a new
addition.

Well, anyway, we got into ripping the old
part off, and lo and behold there is -- what we found
was there was no foundation that we could work with on
the existing structure of the old house that was built
a long time ago. So to make a long story short, the
building was looked at by the building inspectors and
reviewed, and I think everyone agrees that it should
be demolished just because it's -- I mean, I've saved
a lot of buildings, but this one -- it just can't be
saved, let's put it that way. There is safety issues
trying to repair this old foundation and it's a -- you
know, it's a two-story structure with no foundation.
So what we're trying to do is to dig underneath it to
put foundation, and you don't build buildings that
way. You don't -- you know, you build from the ground
up, not the other way. So it needs to be demolished.

So I went and got another architect
involved and got another set of plans and went back to
the city, and they said, well, we can't give you a variance or we can't give you a building permit because you have a variance for an addition, not a variance to tear the whole property down. So now I'm back here trying to get a variance to tear the property down, the house, and then replace it with this house that you see here on the screen.

I think this house fits the neighborhood very well. And then you try to look at when you're going to build a house, I'm building this house to live in it, not to, you know, sell. So I'm 52 years old. So you have to plan for 62, for 72 if you make it that far, you know. Hopefully we all do, but you never know. So, you know, you look at the future, and you don't want to build a house that's two or three stories, because as you get older, you don't want a been bunch of stairs. So we tried to find a house that would fit on this lot. It's a difficult lot to work with. There's an existing garage that limits us to where you can actually place the structure. So we came up with this house. It's like 30 feet wide and 45 feet long. It has one bedroom on the main floor, it has a kitchen and living room, dining room on the
main floor, so it's something, you know, you can live
on one floor is the idea as you get older, not have to
deal with the stairs. It does have a small loft
upstairs for a study or possible another bedroom. So
it's a relatively small house. It's a small lot, it's
a small house, and that's it.

CHAIRPERSON KRIEGER: Very good. Anybody
in the audience have any comments regarding this case?

Seeing none, from the City?

MR. BUTLER: I just want to say that we did
send out the building inspector to look at it, and he
did verify the deteriorating nature and crumbling
nature of what was similar to a foundation underneath
which was definitely gone, there was nothing pretty
much to hold up the building.

CHAIRPERSON KRIEGER: Thank you. And from
correspondence?

MS. GRONACHAN: There were 28 letters
mailed. Zero letters returned, zero approvals, zero
objections.

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

Yes, Member Gronachan.

MR. LEINEKE: Cindy, you were actually on the last variance that was granted to me, and you warned me that it was going to be difficult, and I just chuckled because every house I've rebuilt over the years, every single person has said that you'll never be able to do it, and I always do it. And this one it's just like, you know, I can't do it.

MS. GRONACHAN: Well, I'm not quite -- I'm sure I didn't say you're not going to be able to do it.

MR. LEINEKE: Right.

MS. GRONACHAN: I probably said something about this is going to be a challenge, because I remember that piece of property. It is quite unique. You've got some issues with topography if I'm not mistaken.

MR. LEINEKE: Yes.

MS. GRONACHAN: And then you've got the garage in the front yard, and it's not a 40 acre parcel by any means.

MR. LEINEKE: Right.

MS. GRONACHAN: So nonetheless I'm sure it
was a heartache.

MR. LEINEKE: Yes.

MS. GRONACHAN: And I'm not going to belabor this. I've been out there, I've seen it, and I know exactly what we're talking about. I appreciate the uniqueness of this plan that you've made, and I'm in full support.

MR. LEINEKE: Okay. Thank you.

CHAIRPERSON KRIEGER: Very good. Anybody else?

A motion?

MS. GRONACHAN: I'm prepared.

CHAIRPERSON KRIEGER: Go ahead.

MS. GRONACHAN: I move that we grant the variance in Case Number PZ18-0064 sought by Christopher Leineke for 2292 Austin Drive because the petitioner has shown a practical difficulty requiring a variance for the proposed structure to be less than 10 feet away from the garage, 10 foot minimum required; and for a minimum side yard set back of 5 feet, 10 feet required, and a lot coverage of 33 percent, 25 allowed.

Without the variance, the petitioner would
be unreasonably prevented or limited with respect to
the use of this property because of the topography and
lot size and shape. The property is unique again
because of the topography and the existing building of
the garage that is going to be staying. The
petitioner did not create this condition because this
property -- this building was built in the 1940's as
previously stated the last time when the petitioner
was visiting us, and the relief granted would not
unreasonably interfere with adjacent or surrounding
properties because of the uniqueness and shape of the
lots are similar up in this area. This relief is
consistent with the spirit and intent of the ordinance
because the petitioner is requesting minimum variances
for what he is given to work with, and therefore I
move that we grant these variances.

MR. SANKER: Second.

CHAIRPERSON KRIEGER: We have a motion and
a second.

MS. OPPERMANN: I did notice when you were
stating the variance that you didn't include the front
yard setback.

MS. GRONACHAN: I will amend the front yard
setback of 25 feet from the road, 30 minimum required.

Thank you for that catch.

MR. SANKER: Second.

CHAIRPERSON KRIEGER: Very good. Any other discussion?

Seeing none, Katherine, if you'd call the roll.

MS. OPPERMANN: Member Byrwa?

MR. BYRWA: Yes.

MS. OPPERMANN: Member Ferrell?

MR. FERRELL: Yes.

MS. OPPERMANN: Member Gronachan?

MS. GRONACHAN: Yes.

MS. OPPERMANN: Chairperson Krieger?

CHAIRPERSON KRIEGER: Yes.

MS. OPPERMANN: Member Sanker?

MR. SANKER: Yes.

MS. OPPERMANN: Motion passes.

CHAIRPERSON KRIEGER: Congratulations and best wishes.

MR. LEINEKE: Thanks. I'd also like to thank Kate and Larry and everybody down in the building department. It's frustrating going through
this process, and it's not always -- you don't always
get the answers you want the hear when you go down
there, and just thanks for putting up with me.

MS. GRONACHAN: Listen, if I would have
been in there, I would have needed three boxes of
Kleenex, so you did better than me. Good luck.

MR. LEINEKE: Thank you guys.

CHAIRPERSON KRIEGER: We'll call for our
next case, PZ18-0065, David Batu, 25900 Beck Road, for
Parcel 50-22-21-101-002. The applicant is requesting
variances from Novi Zoning Ordinance Section 3.1.5 for
a 10 foot rear yard variance for a proposed 40 foot
setback, 50 feet minimum required; a 5 foot variance
for a proposed 40 foot front yard setback, 45 feet
minimum required; a 5 foot variance for a proposed 15
foot side yard setback, 20 feet total allowed; and a
14 foot variance for a proposed 36 foot side yard
aggregate, 50 feet required. The property is zoned
Residential Acreage.

Are you an attorney?

MR. BATU: No.

MS. GRONACHAN: Would you raise your right
hand and be sworn in.
Do you swear or affirm to tell the truth in the matter before you?

MR. BATU: Yes.

MS. GRONACHAN: Would you please spell your name for the recording secretary.

MR. BATU: David Batu, B-a-t-u.

MS. GRONACHAN: You may proceed.

MR. BATU: Currently the property is zoned residential acreage as stated, which calls for setbacks of 45, 50 and 20 and 50 as the variance says. It's very difficult to fit a house on that. I am asking for the variances so that I can fit this house. I'm working with the subdivision planner with the representative Greg Nelson to get the setbacks from their bylaws correct as well, so he signed off on that. Unfortunately he couldn't be here tonight. I also spoke with the building inspector, Chris Webber, went over everything with him. I basically tried to fit everything I could. It's tough to see here, but the neighbors behind me directly to the west of me and to the southwest of me both have the same variances for the 40 feet in the rear yard, which I'm just looking for that and then the side variance as well.
CHAIRPERSON KRIEGER: Is that it?

MR. BATU: Yes.

CHAIRPERSON KRIEGER: Okay. Very good.

Anybody else in the audience wish to comment regarding the case?

Seeing none, from the City.

MR. BUTLER: No comment.

CHAIRPERSON KRIEGER: Thank you. Any correspondence?


CHAIRPERSON KRIEGER: Very good. I'll open it up to the board. Nothing? Okay.

Member Gronachan? You are the lady of the night.

MS. GRONACHAN: Already? This subdivision is pretty unique in that the lots are a little odd-shaped to say the least. So I don't feel that you have -- that you're asking for anything unusual given that we are familiar -- I mean, I'm familiar with that subdivision and the challenges that you guys have faced. Why it was cut up that way, I'm not quite sure. But nonetheless, I think that the for the size
of the house and for the size of the lot, these are minimum requests, and therefore I would be supporting your request, and I don't have any questions.

CHAIRPERSON KRIEGER: Very good. Anyone else?

I drove by, and the only worry is that Beck Road is just going to open up, that you are prepared for that, and other than that, I wish you the best.

MR. BATU: Thank you.

CHAIRPERSON KRIEGER: Is there a motion?

Member Ferrell, I see you writing.

MR. FERRELL: It's pretty blank, but I can bring it if you want.

CHAIRPERSON KRIEGER: Yes, go ahead.

MR. FERRELL: I move that we grant the variance in Case Number PZ18-0065 sought by David Batu for the variances as stated in the listing because the petitioner has shown practical difficulty requiring these variances to build on the smaller-sized lot. Without the variances, the petitioner will be unreasonably prevented and limited with respect to the use of the property due to the size and shape of the lot. The property is unique
because of the size of the lot and the location of it. The petitioner did not create the conditions. The relief granted will not unreasonably interfere with adjacent or surrounding properties as other homes are very similar in the variance requests the petitioner is requesting, and the relief is consistent with the spirit and intent of the ordinance. For those reasons I move that we grant the variance.

MS. GRONACHAN: Second.

CHAIRPERSON KRIEGER: There's a motion and second. Any other discussion?

Seeing none, Katherine, call the roll.

MS. OPPERMANN: Member Sanker?

MR. SANKER: Yes.

MS. OPPERMANN: Member Krieger?

CHAIRPERSON KRIEGER: Yes.

MS. OPPERMANN: Member Gronachan?

MS. GRONACHAN: Yes.

MS. OPPERMANN: Member Ferrell?

MR. FERRELL: Yes.

MS. OPPERMANN: And Member Byrwa?

MR. BYRWA: Yes.

MS. OPPERMANN: Motion passes.
CHAIRPERSON KRIEGER: Congratulations.

MR. BATU: Thank you.

MS. GRONACHAN: Good luck.

CHAIRPERSON KRIEGER: That brings us to our last case, PZ19-0001, Great Oaks Landscaping, 47825 Casa Loma Court, West of Beck and South of Nine Mile, Parcel 50-22-32-201-006. The applicant is requesting variance from the Novi Zoning Ordinance Section 5.1 (A)ii for a fence and gate in the front yard. This property is zoned Residential Acreage.

MS. GRONACHAN: Are you both giving testimony this evening?

MR. FORNARI: I don't know if he will or not.

MS. GRONACHAN: Then why don't you both come on up and raise right hand and we'll swear in and then that way we'll be out of trouble.

MR. FORNARI: And, no, we're not attorneys.

MS. GRONACHAN: Do you swear or affirm to tell the truth in the matter before you?

MR. FORNARI: I do.

MR. AHEJEW: I do.

MS. GRONACHAN: Would you please state and
spell your names for our recording secretary.

   My name is Geoffrey Fornari, that's
G-e-o-f-f-r-e-y. The last name is spelled
F-o-r-n-a-r-i.

   MR. AHEJEW: My name is Steven Ahejew,
S-t-e-v-e-n A-h-e-j-e-w.

   MS. GRONACHAN: Please proceed.

   MR. FORNARI: Thank you for your time
tonight. So what we have here is we have a home in
Casa Loma Court. It's at the end of the court. And
due to some of the regulations within what Novi
required from the builder/developer, the garages can't
face the street and can't be seen, the garage doors
and things can't be seen from the street. So the way
the architecture was designed, it makes it so that the
garage doors are in the back.

   Both of my clients are very good doctors,
they worry a little bit about safety, that's why they
wanted to move from a current gated subdivision that
they're in now, because what happens a lot of times in
these subdivisions is anybody and everybody if they
just wait for one second for someone to come in with a
code can follow in right behind them, there is no
second level of security. So one of their hopes right from the beginning in building in this private community was that they could do some sort of a fence and gate structure out in the front to give that added level of security so that one night they might not potentially be surprised by someone hanging out in the back when they come home undetected.

So given that it was talked about right from the beginning with the developer/builder who I have here tonight with us in support of this, because that was part of the overall feeling and design from the house. And then I think aesthetically it certainly does not detract from the community. It actually echoes the nice front gate and columns that are out at the front and kind of serves as a staple at the back of the community, and certainly won't do anything to deter value from any neighbors. And it will be built in the spirit of the architecture of the community, but also the spirit of the architecture of the house as we're pulling house materials off and using them for the stone columns.

So basically in Novi it says you can't do any fencing in the front yard, so that's why we're
here today to request a variance to be allowed to do this.

CHAIRPERSON KRIEGER: Very good. Is that it?

MR. FORNARI: Yes.

CHAIRPERSON KRIEGER: And there's no more audience, so we'll go straight to the City.

MR. COMPO: Besides me.

CHAIRPERSON KRIEGER: Oh, would you like to have something to say? If you'd like to, go ahead.

MR. COMPO: Sure. I'm David Compo, the president of Compo Builders and president of Compo Real Estate Investment. We sold him the lot. I'm also the president of the homeowners association currently and the owner of still the one remaining Lot 4 that I have in the subdivision.

MS. GRONACHAN: I don't want to interrupt you, but could you please raise your right hand and be sworn in.

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

MR. COMPO: I do.

MS. GRONACHAN: Okay. Thank you.
MR. COMPO: And David C-o-m-p-o, Compo.

So for both Mr. and Mrs. Dr. Fahim this was always a discussion. I just wanted to make sure, and I brought this to their attention, I didn't want this home in the back to seem like a compound, so the columns that I had discussed would be more of a decorative fence. For example, on the topographical lots, which we have a ton of rolling in this community with the topography. As a matter of fact, just going from Beck Road to the west to the front curb is 21 foot of elevation change just in Beck Road, a thousand feet on the boulevard.

But we were considering doing retaining walls out in front, just the typical stone stacked retaining walls which we already have on Lot 7, on Lot 9, and on -- it's going to be on Lot 3, which will be, you know, stone walls this high more for the retaining of the topography that's there. So I just asked him to -- if we're going to do this to make it as the anchor house in the subdivision that we do shorter columns using the same stones, just a dry stack, this is just decorative. And then the two that are at the side of the driveway just to accommodate a five foot
gate.

MS. GRONACHAN: I'm sorry, but do you have a rendering of all that you're --

MR. FORNARI: Yes. So there is the gate. So the column to either side will obviously be taller so it fits in scale with the gate. And then we go down to the smaller brick columns which are about 3 1/2 feet tall plus the cap. And then the fence section is just a 3 foot high fence, and it doesn't -- it just goes from left to right on the property but does not go around the back, so it doesn't enclose anything from that standpoint. It is just that visual barrier of the -- at the driveway and doesn't allow anybody to drive back.

MR. COMPO: And there is only one entrance the way this driveway goes, which it's hard to see on this, but the drive actually enters right in the center directly centered on the court, this is a very symmetrical family, and then it splits off where the circle which will have a fountain, and then goes to both three car garages that come around from the back. Again, you can't see it all from the front. I was in full support of this, and I just wanted to show full
support, and obviously there's still a lot of
construction. We're probably going to be completed
mid April on this home, basically about two months.

CHAIRPERSON KRIEGER: Very good. Thank
you.

From the City?

MR. BUTLER: No comment.

CHAIRPERSON KRIEGER: Thank you.

Correspondence?

MS. GRONACHAN: 16 letters mailed, one
approval from the gentleman that just gave testimony,
David Compo.

CHAIRPERSON KRIEGER: All right. We'll
open it up to the board.

Yes, Member Ferrell.

MR. FERRELL: Thank you, Madam Chair. I
have a question. So the house is how far? Is it
completed yet?

MR. COMPO: Two months.

MR. FERRELL: It will be completed in two
months?

MR. COMPO: Correct.

MR. FERRELL: Okay. And then you're
wanting the gate because of the way the house was designed?

MR. FORNARI: For added security.

MR. FERRELL: No, that's not what I'm asking. So you wanted the gate because of the way you built the house? Did you build the house purposely to have a gate, or after you built it, you decided that it wasn't -- you needed something to have more security because of the way you built it?

MR. FORNARI: Well, I think -- I mean, I wasn't there when they designed the initial, because we're the landscape design team and the installation team.

MR. FERRELL: Right. Well, it might be a question for the builder or the homeowner.

MR. FORNARI: Right.

MR. COMPO: They had discussed the gate, and I said I would be in support of it. They said if we wanted to do a short decorative fence and columns or retaining walls around just for added security on this, would you be in support of that as the developer and as the builder, and I said that I was from the beginning, not really looking at that time into
this -- into the ordinance or what it was.

So just -- it wasn't on our radar, and again this was a year in design and a two-year build. So it's a long process that we went through. And as we got closer and then they chose Great Oaks to do this, then I said, well, are we going to do retaining walls and landscaping, or do you want to do short fencing gates and so on, and this is the direction they went, and I was again still in full support.

But again because of the shape of the lot and the fact that they -- with the size of their family and having the two garages versus one six-car garage, they are splitting it in two, the best way was to split the garages, and because of that location, that was part of the reason, in addition to the added security. So both design and security were the two reasons.

MR. FERRELL: So when the house was designed before it was even started to be built, it was designed with it having a gate in mind to protect the property?

MR. COMPO: Having possibly a fence or gate or retaining walls out in front in mind from the
beginning, yes.

MR. FERRELL: So the issue I'm having with it is that this is self-created because you designed the house to have a gate, you just said you did. So that's why I would be a little not really in support to grant your variance because you designed the house for that purpose. It was self-created. It wasn't something that you were trying to -- you built a house and then all of a sudden you realized, well, maybe it's not safe and wanted to put a fence up or gate up, this is something you guys had actually discussed and talked about prior to actually building when you designed it.

MR. COMPO: There was no plan for the gate, the gate was not required. This was additional security based on -- they live in Turnbriar right now near Novi, and they've had some issues that I wasn't aware of until later on with whatever has happened. So this has continued to come alive as they've -- we talked about it just in general beforehand. It wasn't designed to have the gate in mind from the beginning.

MR. FERRELL: That's not really what I'm getting at.
MR. COMPO: It was more retaining walls at
the beginning.

MR. FERRELL: What I'm getting at -- the
whole part of -- help me understand how this is not
self-created, because it's one of the elements that we
have to look at and decide if this is self-created or
not to grant the variance.

MR. AHEJEW: If I may, the property, which
you don't see well on the plans that we have shown,
but if you did visit it you would notice once you kind
of pass the facade, the front facade of the house,
especially on the left-hand side, the topography drops
about I would say 10 to 12 feet going to that back
left garage, and on the right side it's actually
surrounded by wetlands. There's only one neighbor on
a neighboring subdivision that their back of the house
looks at that garage. So it's a very private, hidden
location specifically because of wetlands, because of
the topography. And it is a regulation within this
HOA that none of the garage doors actually face Casa
Loma Court.

So because of that regulation, those garage
doors had to go on the back side of those two wings,
and the topography and the wetland, they kind of flank those garages and create this increased safety request or a fear of the homeowners, because on any of those other properties, the garage doors are on the side of the houses. If someone were to pull in, you could see it from Casa Loma Court. This house specifically with the wings and the topography and the wetlands, someone could go behind those wings and ultimately be on unknown, hidden back there because of the site conditions specifically.

CHAIRPERSON KRIEGER: Can I clarify?
That's the first house on the left as you enter the gates?

MR. AHEJEW: No, this is the very furthest house at the very end.

MR. COMPO: All the way at the back. The first house on the left has the two opposing garages.

CHAIRPERSON KRIEGER: Yes. It didn't have the numbers, so I was --

MR. COMPO: That's Lot 1 and they're Lot 6 at the very end.

CHAIRPERSON KRIEGER: All right. Thank you.
MR. FERRELL: I guess my question to the board is I want to make it's not self-created. Because you wanted to choose six-car garages and wanted to put them on the side, I mean, I get the whole fact that it aesthetically would look better to have them split and separated, I just I don't see how it's not self-created. Maybe somebody else could help me.

MS. GRONACHAN: I'll pick up where you left off.

MR. FERRELL: Thank you.

CHAIRPERSON KRIEGER: Yes, Member Gronachan.

MS. GRONACHAN: Thank you. So I concur with what Member Ferrell is saying is that as a homeowner you'd like to see -- I mean, you're building a new home, you're excited, and you want what you want. We get that. As a zoning board member we have to follow with what the rules are for the ordinance, and one of them is what is the hardship.

I understand that the homeowner has a concern of safety. However, I don't feel that in this presentation that it was brought to the board in a
completeness. And given the tone that I'm hearing at
the table already, I think you guys need to do more
homework, and I'll explain why.

When you bring a case in front of the
zoning board, you need to prove to us that there is a
hardship. We don't see a hardship here. It's brand
new construction, you're in a gated community, and
you're asking for another gate that the City does not
approve. And on top of that, the homeowner
association kind of created -- didn't help you out
there with this thing about the garage, about the way
the garages have to be built. That's not another
hardship. Do you see where I'm going?

MR. FORNARI: That part I get, but that's
not created by the homeowner.

MS. GRONACHAN: Well, but it's not -- it's
not created by the homeowner, but I think that you
need to go back to the drawing table, and I think this
case needs to be presented differently. There is
still no guarantee that it will be passed, but with
what we have in front of us we can't -- I personally
cannot make a decision here based on what you're
telling me. There is no hardship that I'm seeing in
front of us tonight, and I think Member Ferrell is
saying the same thing. And I'm not trying to put
words in his mouth, but I think he's on the same page.
So that's two against.

So it wouldn't pass tonight. So my
suggestion is you go back to the drawing board and do
a little more research, maybe work with the city and
find out how this -- if there is a hardship here,
because I'm not seeing it. And for a brand new
subdivision, a multi-million dollar subdivision that's
a gated community, I need to see more on how this is
going to be, because we're opening up a can of worms
here that I don't really want every homeowner to come
and ask for a gate because they feel that they are
moving to Novi and that they're not safe. That is
not -- I'm having a problem with that. Do you
understand what my challenge is here?

MR. FORNARI: I do understand where you're
coming from. I don't necessarily agree, but I do
understand.

MS. GRONACHAN: Well, we can always agree
to disagree.

MR. FORNARI: Correct. I think homeowner
safety -- I think their professions and what they do, I think the fact that they have to dispense opioids and they've had issues in the past where clients will come -- they live in a gated community now, so they've experienced something that probably most of us don't, because I wouldn't think that most of us live in a gated community, where, I'm sorry, but it's a reality, you get into those very easily. That second level of security certainly gives them a better feel, and, you know, they wanted to move to this private community because the current gated community in the town isn't providing them that safety that they need, and they quite frankly have to deal with issues that we just don't have to deal with on a regular basis. You know, when you dispense opioids and that, after a while, the script runs out. You can't -- you've got people that are addicted and they constantly come for you and they try to find you, and it's just -- so that's where I disagree, because I think it's a little bit different level. I don't think we're talking about the spoiled people who want their gate and want what they want.

MS. GRONACHAN: Well, and I don't -- with all due respect, I'm not making it that people are
spoiled.

MR. FORNARI: Right.

MS. GRONACHAN: I mean, if somebody
wants -- a homeowner wants a gate, that doesn't mean
that they're spoiled in any way, shape or form. None
of our residents in Novi are that way, nor do I look
at anybody in Novi that way. However, as a zoning
board member, I still have to come up with that there
is a hardship, and I don't feel in this presentation
this evening that you've presented us one.

So my suggestion would be that we could
either deny it tonight, or you can -- or we can
postpone it and you guys can go back to the drawing
board to present a case better to this board on what
the actual hardship is. So those are my two
suggestions.

MR. FORNARI: Right.

MS. GRONACHAN: And that's what I mean.

There is nobody spoiled in Novi, I do not want to give
that impression, and I'm kind of upset that you said
that. That's not where I'm going.

MR. FORNARI: I apologize.

MS. GRONACHAN: That's not the issue here.
The issue is that you're in front of us and you need to provide to us what the reasoning is for the hardship. That's the basic rule right there. And so at this point I'm not seeing it. So I'm asking that you, the petitioner, provide that information in a better presentation.

MR. FORNARI: Okay.

MR. COMPO: May I ask you a question just out of curiosity? With free-standing stone retaining walls which are allowed, I don't believe -- it's not a fence. If those retaining walls came up either side of the driveway, is even a gate on a driveway still considered a fence that stone retaining walls were on either side of the driveway?

MS. GRONACHAN: That question would have to go to the city.

MR. COMPO: Would you know, Larry?

MR. BUTLER: I think because it had a gate, we consider it a fence, but I would have to double check. I don't think it delineates between it being a stone wall and then having a gate on it. But normally a gate is associated with a fence.

MR. COMPO: The gate itself or --
MR. BUTLER: The gate itself.

MR. COMPO: Okay. I suggest we table it.

MR. FORNARI: Yes, that's reasonable.

MR. SANKER: I have a question or not?

CHAIRPERSON KRIEGER: Yes.

MR. SANKER: It just came up. Is the standard the practical difficulty that we're trying to establish or undue hardship?

MS. SAARELA: Practical difficulty.

MR. SANKER: I just wanted to clarify that for the record.

CHAIRPERSON KRIEGER: Each case is unique. We had a similar case to understand it a little better. On Nine Mile and Taft they had issue for safety, and they wanted a fence, and we denied it, and they have created a barrier. Is that still regarded as fencing, the landscaping they did on that house?

MR. BUTLER: That's considered landscaping barrier. It's not a fence.

CHAIRPERSON KRIEGER: Very good. Yes?

MR. FORNARI: May I ask a question?

CHAIRPERSON KRIEGER: Yes.

MR. FORNARI: There is a house right on
Beck Road that's -- I don't know if it's two, three, four or five houses north of the entrance to Casa Loma that has columns and a gate.

CHAIRPERSON KRIEGER: Bellagio?

MR. FORNARI: No, not Bellagio. It's an individual house. It's actually -- I had a picture in my bag.

CHAIRPERSON KRIEGER: Toward Eight Mile or toward Nine Mile?

MR. FORNARI: I believe it's toward Nine Mile. Is that something we can research and find out how that got approved?

CHAIRPERSON KRIEGER: Yes, that would be your homework.

MR. COMPO: And you were talking about the other one on Taft, on the west side of Taft just south of Nine Mile that has the brick piers with the limestone caps with the fencing that's certainly in front of the house. I drive by it every day.

MR. BUTLER: You were talking about that. I was just referring to the actual fence.

CHAIRPERSON KRIEGER: There is one also on Nine Mile. But that's true, okay.
MR. COMPO: Yes, there are several that have it right in front of the house, so I was just curious to --

CHAIRPERSON KRIEGER: Every place is unique. So just like our recommendation to table it would be the best option and come back when you can.

MR. COMPO: Okay. Excellent.

MR. FORNARI: I appreciate your time.

MS. GRONACHAN: Do we have a motion?

CHAIRPERSON KRIEGER: Yes.

MR. FERRELL: I move that we grant the -- not grant. I move that we table the Case PX19-0001 to next --

MS. OPPERMANN: March 12th would be the next meeting.

MR. FERRELL: -- to the March 12th, 2019 meeting.

CHAIRPERSON KRIEGER: Is there a second?

MS. GRONACHAN: Second.

CHAIRPERSON KRIEGER: There's a motion and a second. Any other discussion?

Seeing none, Katherine, call the roll.

MS. OPPERMANN: Member Byrwa?
MR. BYRWA: Yes.

MS. OPPERMANN: Member Ferrell?

MR. FERRELL: Yes.

MS. OPPERMANN: Member Gronachan?

MS. GRONACHAN: Yes.

MS. OPPERMANN: Chairperson Krieger?

CHAIRPERSON KRIEGER: Yes.

MS. OPPERMANN: Member Sanker?

MR. SANKER: Yes.

MS. OPPERMANN: Motion passes.

CHAIRPERSON KRIEGER: See you next month.

Good luck.

That brings us to the other matters. Are there any other matters, or a motion to adjourn?

You're adjourning?

MR. FERRELL: Yes.

MR. BYRWA: Second.

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

THE BOARD: Aye.

CHAIRPERSON KRIEGER: All right. We're adjourned.

(Meeting adjourned at 8:25 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 (75) pages, is a true and correct transcript of my said stenograph notes.

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