

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

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Novi, Michigan
Tuesday, February 12, 2019
7:00 p.m.

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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

1 absent, excused.

2 Member Sanker?

3 MR. SANKER: Here.

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

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

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

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

19 MS. OPPERMANN: There are not.

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

22 MS. GRONACHAN: So moved.

23 MR. BYRWA: Second.

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

3 THE BOARD: Aye.

4 CHAIRPERSON KRIEGER: We have an agenda
5 unopposed.

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

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

10 MS. GRONACHAN: So moved.

11 MR. SANKER: Second.

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

14 THE BOARD: Aye.

15 CHAIRPERSON KRIEGER: None opposed. Very
16 good.

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

21 Seeing none, we'll close that part.

22 And we have our public hearings, and our
23 first case is PZ18-0057, Somnio Global, L.L.C.,

1 45145 West Twelve Mile, Parcel 50-22-15-126-015. The
2 applicant is requesting a variance from the City of
3 Novi Ordinance Section 4.682 to allow an exterior bulk
4 nitrogen storage tank required for research. Limited
5 warehousing or storage of products used in research is
6 allowed by code. The property is zoned Office Service
7 Technology.

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

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

19 CHAIRPERSON KRIEGER: Thank you very much.

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

23 MR. ANNEAR: I do.

1 MS. GRONACHAN: You may proceed. If you
2 can start with your name, please spell your name for
3 the recording secretary.

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

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

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

20 And you will see at the back of the
21 building is the white structure there is the tank that
22 we are applying to have -- to be allowed to be sitting
23 there permanently, and I'll explain why that's

1 important to us. So that is the site, and I'll take
2 us through some more detail on how the tank is
3 situated on the site.

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

19 We've been working on the technology for
20 almost four years on the site, and we in the very,
21 very early days experimented with different types of
22 gas that would be the carrier gas that allows us to
23 deposit. And the deposit is a spray process that

1 we're using to bond these metals. The gas that works
2 best in this process is nitrogen, and we use a lot of
3 it and we use it under pressure, because it's actually
4 the fuel under which we deposit the metals.

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

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

22 So we're requesting for us to continue our
23 work and to bring this pretty exciting technology to

1 market, we're requesting your consideration to allow
2 us to keep the tank in place. The tank and the
3 aerators have been in place under temporary planning
4 permits, and we've rolled those over with the city's
5 permission, but now we're looking for more permanent
6 approval from you.

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

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

10 CHAIRPERSON KRIEGER: We'll get there.

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

23 So here is the schematic of the

1 installation itself. The circular area there is the
2 tank. And these honeycomb looking things are the
3 aerators that turn the liquid nitrogen into nitrogen
4 gas to allow us to use it. So we situated it there.
5 We had a permit to build the pad and put it all into
6 place. It's 6000 gallons. It's quite tall, about
7 24 feet tall, and 8 foot in diameter. All of the
8 equipment is owned by Praxair, our supplier. They
9 have remote monitoring in place to insure safety
10 compliance and functionality, and they manage the
11 whole installation. That's part of the contract that
12 we have with Praxair. So it's handled well,
13 professionally, and safely. We had to put the tank
14 outside the building to allow the Praxair truck to
15 come in and fill it up, which happens depending on the
16 amount of work we're doing, it happens twice a month,
17 sometimes three times a month.

18 So here is a picture of it. Now, the tank
19 on the right there and the -- so facing that way, tank
20 on left, aerator on the right, and that's our building
21 there. You see our building height there. The
22 lighter part is about 40 feet. So it's well above the
23 height of the tank, and we deliberately did that to

1 allow ease of access and reduce the visibility of the
2 installation. It's surrounded by bullards for safety,
3 and then looking northwest you can see another angle
4 of the site there. We're fenced off neat and tidy.

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

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

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

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

22 CHAIRPERSON KRIEGER: Thank you very much.

23 MR. ANNEAR: You're welcome.

1 CHAIRPERSON KRIEGER: Is there somebody in
2 the public that would like to remark regarding this
3 case?

4 Seeing none, from the City?

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

12 CHAIRPERSON KRIEGER: Thank you. And
13 correspondence?

14 MS. GRONACHAN: Yes, Madam Chair. There's
15 39 letters mailed, two letters returned. Two
16 objections.

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

23 The next letter is from Padma D-u-r-b, as

1 in boy, h-a, at 44849 Stockton Drive. We were
2 seriously concerned about the safety of the residents
3 of our property as well as the nearby homes in our
4 subdivision due to the installation and service
5 operation and long-term integrity of the cylinders,
6 exterior bulk storage tanks or the containers.
7 Despite any precautions, accidents could happen.
8 Residential areas should be kept safe from any safety
9 hazards. We are worried about the health risks
10 associated with the gases involved. Requesting the
11 City to not put residents at risk. Enclosing an
12 objections.com.

13 That completes the correspondence.

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

16 Ye, Member Byrwa.

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

19 MR. ANNEAR: No, it's not.

20 MR. BYRWA: It's fed by gravity?

21 MR. ANNEAR: Yes, it is.

22 MR. BYRWA: And then the -- it said that
23 it's monitored. Who is doing the monitoring?

1 MR. ANNEAR: Praxair. So we have a remote
2 monitoring system that connects all of the data that
3 is monitored back to Praxair's main control center.
4 And that is something that is a requirement of their
5 installation, sort of a dedicated phone line that
6 provides them feedback. So we do our own visual
7 monitoring, and they have -- when they arrive to
8 refill it, they have a checklist.

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

11 MR. ANNEAR: Not at all.

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

14 MR. ANNEAR: That's correct.

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

17 MR. ANNEAR: Not at all.

18 MR. BYRWA: Thank you.

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

21 CHAIRPERSON KRIEGER: Yes, go ahead.

22 MR. ANNEAR: So I don't know the exact date
23 of this, but maybe three years ago we had several

1 residents concerned about the tank when the temporary
2 permit was being considered, and we had a meeting
3 here. Most of those residents were located north of
4 us across Twelve Mile Road. And so we were -- we had
5 the meeting. The meeting was also attended by the
6 fire department who were able to assure them that the
7 nitrogen gas itself is very safe. In fact, our
8 atmosphere is just full of nitrogen, and if there was
9 a leak from the tank, it would be very safe. The only
10 way that nitrogen can cause a health concern is in a
11 closed environment where it causes an oxygen
12 depletion, another reason to have a bulk tank outside.

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

1 there is good dialogue between us and the community.

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

10 CHAIRPERSON KRIEGER: Thank you.

11 Yes, Member Byrwa.

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

20 MR. ANNEAR: Look, I'm just not an expert.
21 I couldn't comment on that. I mean, I just know more
22 about what we use nitrogen for. But argon is a
23 similar kind of inert gas that's used for purposes

1 such as insulation between windows, because it's
2 stable and safe.

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

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

7 CHAIRPERSON KRIEGER: Yes, Member
8 Gronachan.

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

11 MR. ANNEAR: Good evening. Thank you.

12 MS. GRONACHAN: So you've been here since
13 2013?

14 MR. ANNEAR: That's correct.

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

17 MR. ANNEAR: Yep.

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

21 MR. ANNEAR: Yes. We hope so.

22 MS. GRONACHAN: So once this is developed,
23 will this be manufactured here? I guess what I'm

1 looking for is why is the -- is the tank going to stay
2 for ever and ever, or is it going to stay for this
3 particular research project?

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

15 So that's what will happen with the rotors.
16 And it will be the first application of this
17 technology to go to the market, but the technology
18 itself has lots of other possibilities, and the
19 ability to bond metals and how that could light weight
20 other components but also used in other applications,
21 and one of them is electrical connections in
22 electrical vehicle batteries, that's another one we've
23 done some work on, they're all promising areas that we

1 will explore. Whether in all applications nitrogen
2 will be the carrier gas, I can't say that. My point
3 being, though, is once the rotors are done, we'll move
4 onto other -- we'll explore other things with this.

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

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

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

18 MR. ANNEAR: Yes. So -- because we pay
19 rent on them. So if we weren't using them, we would
20 just have the vendor remove them. In order to get a
21 cost effective deal, it wasn't the greatest deal in
22 the world because we were little and we are little,
23 and we signed a seven-year lease with Praxair. We

1 tried to go shorter because we were uncertain, but the
2 expense of that and the impact on our immediate cash
3 flow was so big that we sort of rolled the dice on
4 that and said we'll take the longer. If we were to
5 remove them, and we knew we didn't have a forever
6 permit on it, if we were to remove them, there is a
7 penalty we would pay Praxair to come and take them,
8 but we factored in to, you know -- we're all about
9 risk and managing risk, so we just factored that into
10 our thinking.

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

13 MR. ANNEAR: Yes.

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

21 MR. BUTLER: I can inquire with the fire
22 marshal to see if they do have a report on that. So
23 just to add, nitrogen is an inert gas, it's

1 nonreactive, and it doesn't explode. If nitrogen is
2 released in the air, it dissipates in the air. It
3 pretty much goes away, and just like the gentleman
4 said, if you're in a closed room, and the gas was in
5 the room, it would be harmful, but it's not a reactive
6 gas.

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

9 MR. ANNEAR: That's the issue.

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

20 MR. ANNEAR: You're absolutely right. And
21 our supplier Praxair has all of the data and any
22 report that you would require, which I know we gave it
23 to the residents association after we had met with

1 them. I don't know that we submitted it to the city,
2 but we just committed to following up with them and
3 with the residents and making sure they're okay. And
4 I'm not sure that the fire department submitted a
5 report to that meeting, but they were in attendance
6 and addressed the meeting.

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

9 MR. ANNEAR: Okay.

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

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

16 MS. GRONACHAN: Twelve Mile is --

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

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

22 MR. ANNEAR: That's the rail line.

23 MS. GRONACHAN: Just the train tracks and

1 no residential area?

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

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

8 MR. ANNEAR: Thank you.

9 CHAIRPERSON KRIEGER: Yes.

10 MR. SANKER: How is it going?

11 MR. ANNEAR: Good.

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

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

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

23 MS. SAARELA: Outdoor storage of a tank.

1 MR. SANKER: Gotcha. Thank you. That was
2 it for me.

3 CHAIRPERSON KRIEGER: Member Ferrell any
4 questions?

5 MR. FERRELL: I do not.

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

13 MR. ANNEAR: We get periodically inspected,
14 yes.

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

19 MR. ANNEAR: So that's a different
20 technology, and we recently had that -- that is a --
21 called a reefer or refrigerated container, and in that
22 container we're doing trials on the preservation of
23 food that is refrigerated but has a short shelf life,

1 and the key to that is the reduction of ethylene in
2 that environment. So that's a different set up
3 altogether. In fact, we had that -- a reefer inside
4 the building, and the fire department, we worked with
5 them, they were a little concerned about the confined
6 space nature of that, and it didn't have a dedicated
7 fire suppression system. So they basically said
8 either put a dedicated fire suppression system in the
9 reefer or put it outside, so we put it outside.

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

1 in Novi, and I would be in support of your request.

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

4 CHAIRPERSON KRIEGER: Thank you.

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

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

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

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

19 MS. GRONACHAN: Undue hardship. The
20 petitioner cannot use the property properly -- the
21 petitioner cannot use the property as permitted in the
22 OST zoning district because of the unique
23 circumstances of the property, particularly with the

1 construction of the building which prevents inside
2 storage due to the size and amount of product that the
3 petitioner uses. Using the property for outside
4 storage in the OST zoning district will not alter the
5 essential character of the area because there are no
6 safety issues in the surrounding area, there are no
7 health hazards in the surrounding area, and as
8 previous testimony given, the petitioner has indicated
9 that plenty of safety measures have been followed.
10 The petitioner and its predecessors did not create
11 the need for this variance because of the type of
12 business that is ever evolving and changing in
13 research and development, and therefore I move that we
14 grant the variance.

15 MR. BYRWA: Can I add a friendly amendment?

16 MS. GRONACHAN: Sure.

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

21 CHAIRPERSON KRIEGER: Is that what the tank
22 is?

23 MR. ANNEAR: 6000 pounds, yes.

1 MS. GRONACHAN: The friendly amendment is
2 accepted. Anything else? Is there a second?

3 MR. FERRELL: Second.

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

6 Seeing none, if Katherine can call the
7 roll.

8 MS. OPPERMANN: Member Byrwa?

9 MR. BYRWA: Yes.

10 MS. OPPERMANN: Member Ferrell?

11 MR. FERRELL: Yes.

12 MS. OPPERMANN: Member Gronachan?

13 MS. GRONACHAN: Yes.

14 MS. OPPERMANN: Chairperson Krieger?

15 CHAIRPERSON KRIEGER: Yes.

16 MS. OPPERMANN: Member Sanker?

17 MR. SANKER: Yes.

18 MS. OPPERMANN: Motion passes.

19 CHAIRPERSON KRIEGER: Congratulations.

20 MR. ANNEAR: Thank you very much.

21 Appreciate it.

22 CHAIRPERSON KRIEGER: That brings us to our
23 next case, PZ18-0061 for Jenny Griffith, East of Old

1 Novi Road and south of East Lake, Parcel
2 50-22-02-357-010. The applicant is requesting a
3 variance from the Novi Code of Ordinance Section 3.1.5
4 for a 16 feet front yard variance for a proposed
5 14 feet setback, 30 feet required; a 25 foot variance
6 for a proposed 10 foot rear yard setback, 35 feet
7 required; a 6 and 11 foot variance for a proposed
8 4 feet by 4 feet side yard setback, 25 feet total
9 allowed; a 26 percent variance for a proposed 51
10 percent max lot coverage, 25 percent required; and a
11 19 foot front deck variance for a proposed 6 foot
12 deck, 25 feet required. This property is zoned Single
13 Family Residential.

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

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

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

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

23 MS. GRIFFITH: I do.

1 MS. GRONACHAN: Thank you.

2 MS. GRIFFITH: So I was here a month ago
3 and submitted a request for a variance because I am
4 thinking about purchasing a lake lot on Walled Lake.
5 It's 30 feet wide and 80 feet deep where the actual
6 part -- the part of the lot where the house would be.
7 I was told at that time that the only issue that you
8 saw was that 51 percent lot coverage. So I went back
9 and did my homework, and when I did that, due to the
10 lake lots, they're -- a lot of the homes were built in
11 1930 and they're cottages, so there is no real way to
12 calculate square footage the way you typically would
13 by width times length. So I had to go to the
14 cityofnovi.org and look at the reference maps, and I
15 used the acreage and turned it into square feet for
16 the lot coverage, and I divided it by the foundation
17 of the homes on the lake that are existing now. So
18 this is the calculation I used for the following
19 coverages. And when I came here before I said I had
20 51 percent lot coverage, but using the acreage
21 converted to square feet, it turns out that the
22 coverage is 47 percent for the house I want to build
23 on this narrow lot.

1 I then looked at probably the whole east
2 side of the lake, and that's where I'm building or I'd
3 like to build is the east side of the lake. And when
4 I did that, I plotted out all of the homes that had a
5 greater than 50 percent coverage, and all of the homes
6 that had between 40 and 49 percent. So you can see
7 there are quite a few homes there that are in my range
8 as well as greater than -- 50 percent and greater.

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

19 This is the actual plot of the home. The
20 home of course is the part in the middle, and the
21 boundaries are listed here along with the variances.
22 So this is what I had shown you I think last time I
23 was here. And at that same time I was told that maybe

1 I need to get more of a plan to show you. So here it
2 is. You're looking at the first floor of the house.
3 It does have a garage, so there will be no cars in the
4 front of the house. The left side of this lot of this
5 house is East Lake Drive. The right side is Chapman
6 Drive. So the garage faces Chapman Drive, so there
7 will be no cars on the street that would kind of not
8 look that great for anyone driving down East Lake
9 Drive.

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

20 This is what the lot looks like currently.
21 You can see the neighbors house is on the left. To
22 the right is a pontoon boat as well as a vehicle of
23 some sort. This is the lot across the street that has

1 a camper there, and that's the existing lot as it is
2 now.

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

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

18 So I just wanted to show -- this is all on
19 East Lake Drive. It's either newer homes mixed with
20 cottages. There are two-story homes, there are
21 one-story homes right beside each other. And you can
22 see the two homes on the left are almost touching.
23 And then you have the two-story home to the right of

1 those. So you're comparing kind of cottages of the
2 1930's to people who have either renovated those
3 cottages to make them a lot bigger or just built the
4 homes.

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

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

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

23 So that is my research, my homework from my

1 last meeting.

2 CHAIRPERSON KRIEGER: Thank you. Anybody
3 in the audience have anything regarding this case?

4 Seeing none, from the City?

5 MR. BUTLER: No comment.

6 CHAIRPERSON KRIEGER: Thank you. Any
7 correspondence?

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

18 Next letter is from an Amy Weston, that's
19 W-e-s-t-o-n, at 1715 Paramount. The nature of East
20 Lake Drive nearest Pavilion Park will change if this
21 proposal is approved. While an added 6 foot to the
22 deck and a 2 foot variance at the front simply
23 enhances the nature of Lakeside living, that is so

1 apparent to all walking, biking and driving along East
2 Lake Drive from Herman Street to the park. The whole
3 structure enlargement encompassing all but 4 feet on
4 each side and 10 feet along Chapman will shoehorn a
5 bulging house along present individual homes that meet
6 guidelines. That size dwelling will set precedent for
7 future remodeling of the affordable housing along East
8 Lake Drive nearest the park. Please decline the side
9 and rear proposals to maintain current ordinances.

10 CHAIRPERSON KRIEGER: Thank you very much.
11 Open up to the board.

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

14 MS. GRIFFITH: I'm a teacher.

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

16 MS. GRIFFITH: Thank you.

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

23 Each lot is unique to it's own unique

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

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

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

23 MS. GRIFFITH: Thank you.

1 CHAIRPERSON KRIEGER: Thank you very much.

2 Member Byrwa?

3 MR. BYRWA: No.

4 CHAIRPERSON KRIEGER: Member Ferrell?

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

7 MS. GRONACHAN: Go.

8 MR. FERRELL: I move that we grant the
9 variance in Case Number PZ18-0061 sought by Jenny
10 Griffith for a 16 foot front yard variance for a
11 proposed 14 foot setback, 30 feet required; a 20 foot
12 variance for a proposed 10 foot rear yard setback,
13 35 feet required; and a 6 and 11 foot variance for a
14 proposed 4 foot by 4 foot side yard setback, taking
15 the lot coverage from 51 percent down to 47 percent
16 because the petitioner has shown practical difficulty
17 regarding the variance to build a home on such a
18 narrow lot. Without the variances, the petitioner
19 will unreasonably be prevented or limited with respect
20 to the use of the property because of the narrowness
21 of the lot to be able to build a comparable home
22 consistent with the area. The property is unique
23 because it's a lake lot and the narrowness of the lot.

1 The petitioner did not create the condition as the lot
2 was plotted long ago. The relief granted will not
3 unreasonably interfere with adjacent or surrounding
4 properties as this is a minimal variance necessary to
5 build a home that is comparable to surrounding area to
6 keep up with the aesthetics in the area. The relief
7 is consistent with the spirit and intent of the
8 ordinance as this is a reasonable request for the lot
9 size and only 47 percent coverage. For this I move
10 that we grant the variance.

11 MS. GRONACHAN: Second.

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

1 I appreciate it, and I'll be supporting you, too.

2 MS. GRIFFITH: Thank you.

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

5 MS. OPPERMANN: Member Sanker?

6 MR. SANKER: Yes.

7 MS. OPPERMANN: Chairperson Krieger?

8 CHAIRPERSON KRIEGER: Yes.

9 MS. OPPERMANN: Member Gronachan?

10 MS. GRONACHAN: Yes.

11 MS. OPPERMANN: Member Ferrell?

12 MR. FERRELL: Yes.

13 MS. OPPERMANN: Member Byrwa?

14 MR. BYRWA: Yes.

15 MS. OPPERMANN: Motion passes.

16 CHAIRPERSON KRIEGER: Congratulations.

17 MS. GRIFFITH: Thank you.

18 MS. GRONACHAN: Good luck.

19 CHAIRPERSON KRIEGER: That comes to our
20 next case, PZ18-0064, Christopher Leineke, 2292 Austin
21 Drive. It is Parcel Number 50-22-10-227-018. The
22 applicant is requesting variance from the Novi Zoning
23 Ordinance Section 4.19G for a proposed accessory

1 structure less than 10 feet away from garage, 10 feet
2 minimum required; Section 3.1.5 for a minimum side
3 yard setback of 5 feet, 10 feet required; a lot
4 coverage of 33 percent, 25 percent allowed; proposed
5 front yard setback from road of 25 feet, 30 feet
6 minimum required. Property is zoned Single Family
7 Residential.

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

10 CHAIRPERSON KRIEGER: Are you an attorney?

11 MR. LEINEKE: No.

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

14 MR. LEINEKE: Okay.

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

17 MR. LEINEKE: I do.

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

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

21 MS. GRONACHAN: You may proceed.

22 MR. LEINEKE: So I was here a while ago. I
23 purchased an older home on Austin Drive, and I was

1 seeking a variance, which you guys granted the last
2 time, and we got into at the time it was going to be a
3 remodel, and it required removing maybe 20 percent of
4 the old structure and replacing it with a new
5 addition.

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

22 So I went and got another architect
23 involved and got another set of plans and went back to

1 the city, and they said, well, we can't give you a
2 variance or we can't give you a building permit
3 because you have a variance for an addition, not a
4 variance to tear the whole property down. So now I'm
5 back here trying to get a variance to tear the
6 property down, the house, and then replace it with
7 this house that you see here on the screen.

8 I think this house fits the neighborhood
9 very well. And then you try to look at when you're
10 going to build a house, I'm building this house to
11 live in it, not to, you know, sell. So I'm 52 years
12 old. So you have to plan for 62, for 72 if you make
13 it that far, you know. Hopefully we all do, but you
14 never know. So, you know, you look at the future, and
15 you don't want to build a house that's two or three
16 stories, because as you get older, you don't want a
17 bunch of stairs. So we tried to find a house
18 that would fit on this lot. It's a difficult lot to
19 work with. There's an existing garage that limits us
20 to where you can actually place the structure. So we
21 came up with this house. It's like 30 feet wide and
22 45 feet long. It has one bedroom on the main floor,
23 it has a kitchen and living room, dining room on the

1 main floor, so it's something, you know, you can live
2 on one floor is the idea as you get older, not have to
3 deal with the stairs. It does have a small loft
4 upstairs for a study or possible another bedroom. So
5 it's a relatively small house. It's a small lot, it's
6 a small house, and that's it.

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

9 Seeing none, from the City?

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

16 CHAIRPERSON KRIEGER: Thank you. And from
17 correspondence?

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

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

23 Yes, Member Gronachan.

1 MS. GRONACHAN: What a heartache. My gosh.

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

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

12 MR. LEINEKE: Right.

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

18 MR. LEINEKE: Yes.

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

22 MR. LEINEKE: Right.

23 MS. GRONACHAN: So nonetheless I'm sure it

1 was a heartache.

2 MR. LEINEKE: Yes.

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

8 MR. LEINEKE: Okay. Thank you.

9 CHAIRPERSON KRIEGER: Very good. Anybody
10 else?

11 A motion?

12 MS. GRONACHAN: I'm prepared.

13 CHAIRPERSON KRIEGER: Go ahead.

14 MS. GRONACHAN: I move that we grant the
15 variance in Case Number PZ18-0064 sought by
16 Christopher Leineke for 2292 Austin Drive because the
17 petitioner has shown a practical difficulty requiring
18 a variance for the proposed structure to be less than
19 10 feet away from the garage, 10 foot minimum
20 required; and for a minimum side yard set back of 5
21 feet, 10 feet required, and a lot coverage of 33
22 percent, 25 allowed.

23 Without the variance, the petitioner would

1 be unreasonably prevented or limited with respect to
2 the use of this property because of the topography and
3 lot size and shape. The property is unique again
4 because of the topography and the existing building of
5 the garage that is going to be staying. The
6 petitioner did not create this condition because this
7 property -- this building was built in the 1940's as
8 previously stated the last time when the petitioner
9 was visiting us, and the relief granted would not
10 unreasonably interfere with adjacent or surrounding
11 properties because of the uniqueness and shape of the
12 lots are similar up in this area. This relief is
13 consistent with the spirit and intent of the ordinance
14 because the petitioner is requesting minimum variances
15 for what he is given to work with, and therefore I
16 move that we grant these variances.

17 MR. SANKER: Second.

18 CHAIRPERSON KRIEGER: We have a motion and
19 a second.

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

23 MS. GRONACHAN: I will amend the front yard

1 setback of 25 feet from the road, 30 minimum required.

2 Thank you for that catch.

3 MR. SANKER: Second.

4 CHAIRPERSON KRIEGER: Very good. Any other
5 discussion?

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

8 MS. OPPERMANN: Member Byrwa?

9 MR. BYRWA: Yes.

10 MS. OPPERMANN: Member Ferrell?

11 MR. FERRELL: Yes.

12 MS. OPPERMANN: Member Gronachan?

13 MS. GRONACHAN: Yes.

14 MS. OPPERMANN: Chairperson Krieger?

15 CHAIRPERSON KRIEGER: Yes.

16 MS. OPPERMANN: Member Sanker?

17 MR. SANKER: Yes.

18 MS. OPPERMANN: Motion passes.

19 CHAIRPERSON KRIEGER: Congratulations and
20 best wishes.

21 MR. LEINEKE: Thanks. I'd also like to
22 thank Kate and Larry and everybody down in the
23 building department. It's frustrating going through

1 this process, and it's not always -- you don't always
2 get the answers you want the hear when you go down
3 there, and just thanks for putting up with me.

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

7 MR. LEINEKE: Thank you guys.

8 CHAIRPERSON KRIEGER: We'll call for our
9 next case, PZ18-0065, David Batu, 25900 Beck Road, for
10 Parcel 50-22-21-101-002. The applicant is requesting
11 variances from Novi Zoning Ordinance Section 3.1.5 for
12 a 10 foot rear yard variance for a proposed 40 foot
13 setback, 50 feet minimum required; a 5 foot variance
14 for a proposed 40 foot front yard setback, 45 feet
15 minimum required; a 5 foot variance for a proposed 15
16 foot side yard setback, 20 feet total allowed; and a
17 14 foot variance for a proposed 36 foot side yard
18 aggregate, 50 feet required. The property is zoned
19 Residential Acreage.

20 Are you an attorney?

21 MR. BATU: No.

22 MS. GRONACHAN: Would you raise your right
23 hand and be sworn in.

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

3 MR. BATU: Yes.

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

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

7 MS. GRONACHAN: You may proceed.

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

1 CHAIRPERSON KRIEGER: Is that it?

2 MR. BATU: Yes.

3 CHAIRPERSON KRIEGER: Okay. Very good.

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

6 Seeing none, from the City.

7 MR. BUTLER: No comment.

8 CHAIRPERSON KRIEGER: Thank you. Any
9 correspondence?

10 MS. GRONACHAN: 25 letters mailed, zero
11 letters returned. Zero approvals, zero objections.

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

14 Member Gronachan? You are the lady Of the
15 night.

16 MS. GRONACHAN: Already? This subdivision
17 is pretty unique in that the lots are a little
18 odd-shaped to say the least. So I don't feel that you
19 have -- that you're asking for anything unusual given
20 that we are familiar -- I mean, I'm familiar with that
21 subdivision and the challenges that you guys have
22 faced. Why it was cut up that way, I'm not quite
23 sure. But nonetheless, I think that the for the size

1 of the house and for the size of the lot, these are
2 minimum requests, and therefore I would be supporting
3 your request, and I don't have any questions.

4 CHAIRPERSON KRIEGER: Very good. Anyone
5 else?

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

9 MR. BATU: Thank you.

10 CHAIRPERSON KRIEGER: Is there a motion?
11 Member Ferrell, I see you writing.

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

14 CHAIRPERSON KRIEGER: Yes, go ahead.

15 MR. FERRELL: I move that we grant the
16 variance in Case Number PZ18-0065 sought by David Batu
17 for the variances as stated in the listing because
18 the petitioner has shown practical difficulty
19 requiring these variances to build on the
20 smaller-sized lot. Without the variances, the
21 petitioner will be unreasonably prevented and limited
22 with respect to the use of the property due to the
23 size and shape of the lot. The property is unique

1 because of the size of the lot and the location of it.
2 The petitioner did not create the conditions. The
3 relief granted will not unreasonably interfere with
4 adjacent or surrounding properties as other homes are
5 very similar in the variance requests the petitioner
6 is requesting, and the relief is consistent with the
7 spirit and intent of the ordinance. For those reasons
8 I move that we grant the variance.

9 MS. GRONACHAN: Second.

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

12 Seeing none, Katherine, call the roll.

13 MS. OPPERMANN: Member Sanker?

14 MR. SANKER: Yes.

15 MS. OPPERMANN: Member Krieger?

16 CHAIRPERSON KRIEGER: Yes.

17 MS. OPPERMANN: Member Gronachan?

18 MS. GRONACHAN: Yes.

19 MS. OPPERMANN: Member Ferrell?

20 MR. FERRELL: Yes.

21 MS. OPPERMANN: And Member Byrwa?

22 MR. BYRWA: Yes.

23 MS. OPPERMANN: Motion passes.

1 CHAIRPERSON KRIEGER: Congratulations.

2 MR. BATU: Thank you.

3 MS. GRONACHAN: Good luck.

4 CHAIRPERSON KRIEGER: That brings us to our
5 last case, PZ19-0001, Great Oaks Landscaping,
6 47825 Casa Loma Court, West of Beck and South of Nine
7 Mile, Parcel 50-22-32-201-006. The applicant is
8 requesting variance from the Novi Zoning Ordinance
9 Section 5.1 (A)ii for a fence and gate in the front
10 yard. This property is zoned Residential Acreage.

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

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

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

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

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

21 MR. FORNARI: I do.

22 MR. AHEJEW: I do.

23 MS. GRONACHAN: Would you please state and

1 spell your names for our recording secretary.

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

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

7 MS. GRONACHAN: Please proceed.

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

17 Both of my clients are very good doctors,
18 they worry a little bit about safety, that's why they
19 wanted to move from a current gated subdivision that
20 they're in now, because what happens a lot of times in
21 these subdivisions is anybody and everybody if they
22 just wait for one second for someone to come in with a
23 code can follow in right behind them, there is no

1 second level of security. So one of their hopes right
2 from the beginning in building in this private
3 community was that they could do some sort of a fence
4 and gate structure out in the front to give that added
5 level of security so that one night they might not
6 potentially be surprised by someone hanging out in the
7 back when they come home undetected.

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

22 So basically in Novi it says you can't do
23 any fencing in the front yard, so that's why we're

1 here today to request a variance to be allowed to do
2 this.

3 CHAIRPERSON KRIEGER: Very good. Is that
4 it?

5 MR. FORNARI: Yes.

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

8 MR. COMPO: Besides me.

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

11 MR. COMPO: Sure. I'm David Compo, the
12 president of Compo Builders and president of Compo
13 Real Estate Investment. We sold him the lot. I'm
14 also the president of the homeowners association
15 currently and the owner of still the one remaining Lot
16 4 that I have in the subdivision.

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

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

22 MR. COMPO: I do.

23 MS. GRONACHAN: Okay. Thank you.

1 MR. COMPO: And David C-o-m-p-o, Compo.

2 So for both Mr. and Mrs. Dr. Fahim this was
3 always a discussion. I just wanted to make sure, and
4 I brought this to their attention, I didn't want this
5 home in the back to seem like a compound, so the
6 columns that I had discussed would be more of a
7 decorative fence. For example, on the topographical
8 lots, which we have a ton of rolling in this community
9 with the topography. As a matter of fact, just going
10 from Beck Road to the west to the front curb is
11 21 foot of elevation change just in Beck Road, a
12 thousand feet on the boulevard.

13 But we were considering doing retaining
14 walls out in front, just the typical stone stacked
15 retaining walls which we already have on Lot 7, on Lot
16 9, and on -- it's going to be on Lot 3, which will be,
17 you know, stone walls this high more for the retaining
18 of the topography that's there. So I just asked him
19 to -- if we're going to do this to make it as the
20 anchor house in the subdivision that we do shorter
21 columns using the same stones, just a dry stack, this
22 is just decorative. And then the two that are at the
23 side of the driveway just to accommodate a five foot

1 gate.

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

4 MR. FORNARI: Yes. So there is the gate.
5 So the column to either side will obviously be taller
6 so it fits in scale with the gate. And then we go
7 down to the smaller brick columns which are about
8 3 1/2 feet tall plus the cap. And then the fence
9 section is just a 3 foot high fence, and it doesn't --
10 it just goes from left to right on the property but
11 does not go around the back, so it doesn't enclose
12 anything from that standpoint. It is just that visual
13 barrier of the -- at the driveway and doesn't allow
14 anybody to drive back.

15 MR. COMPO: And there is only one entrance
16 the way this driveway goes, which it's hard to see on
17 this, but the drive actually enters right in the
18 center directly centered on the court, this is a very
19 symmetrical family, and then it splits off where the
20 circle which will have a fountain, and then goes to
21 both three car garages that come around from the back.
22 Again, you can't see it all from the front. I was in
23 full support of this, and I just wanted to show full

1 support, and obviously there's still a lot of
2 construction. We're probably going to be completed
3 mid April on this home, basically about two months.

4 CHAIRPERSON KRIEGER: Very good. Thank
5 you.

6 From the City?

7 MR. BUTLER: No comment.

8 CHAIRPERSON KRIEGER: Thank you.

9 Correspondence?

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

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

15 Yes, Member Ferrell.

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

19 MR. COMPO: Two months.

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

22 MR. COMPO: Correct.

23 MR. FERRELL: Okay. And then you're

1 wanting the gate because of the way the house was
2 designed?

3 MR. FORNARI: For added security.

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

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

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

16 MR. FORNARI: Right.

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

1 this -- into the ordinance or what it was.

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

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

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

22 MR. COMPO: Having possibly a fence or gate
23 or retaining walls out in front in mind from the

1 beginning, yes.

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

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

22 MR. FERRELL: That's not really what I'm
23 getting at.

1 MR. COMPO: It was more retaining walls at
2 the beginning.

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

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

22 So because of that regulation, those garage
23 doors had to go on the back side of those two wings,

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

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

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

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

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

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

22 CHAIRPERSON KRIEGER: All right. Thank
23 you.

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

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

11 MR. FERRELL: Thank you.

12 CHAIRPERSON KRIEGER: Yes, Member
13 Gronachan.

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

21 I understand that the homeowner has a
22 concern of safety. However, I don't feel that in this
23 presentation that it was brought to the board in a

1 completeness. And given the tone that I'm hearing at
2 the table already, I think you guys need to do more
3 homework, and I'll explain why.

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

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

16 MS. GRONACHAN: Well, but it's not -- it's
17 not created by the homeowner, but I think that you
18 need to go back to the drawing table, and I think this
19 case needs to be presented differently. There is
20 still no guarantee that it will be passed, but with
21 what we have in front of us we can't -- I personally
22 cannot make a decision here based on what you're
23 telling me. There is no hardship that I'm seeing in

1 front of us tonight, and I think Member Ferrell is
2 saying the same thing. And I'm not trying to put
3 words in his mouth, but I think he's on the same page.
4 So that's two against.

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

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

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

23 MR. FORNARI: Correct. I think homeowner

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

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

1 spoiled.

2 MR. FORNARI: Right.

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

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

17 MR. FORNARI: Right.

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

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

22 MR. FORNARI: I apologize.

23 MS. GRONACHAN: That's not the issue here.

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

7 MR. FORNARI: Okay.

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

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

17 MR. COMPO: Would you know, Larry?

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

23 MR. COMPO: The gate itself or --

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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

1 Beck Road that's -- I don't know if it's two, three,
2 four or five houses north of the entrance to Casa Loma
3 that has columns and a gate.

4 CHAIRPERSON KRIEGER: Bellagio?

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

8 CHAIRPERSON KRIEGER: Toward Eight Mile or
9 toward Nine Mile?

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

13 CHAIRPERSON KRIEGER: Yes, that would be
14 your homework.

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

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

22 CHAIRPERSON KRIEGER: There is one also on
23 Nine Mile. But that's true, okay.

1 MR. COMPO: Yes, there are several that
2 have it right in front of the house, so I was just
3 curious to --

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

7 MR. COMPO: Okay. Excellent.

8 MR. FORNARI: I appreciate your time.

9 MS. GRONACHAN: Do we have a motion?

10 CHAIRPERSON KRIEGER: Yes.

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

14 MS. OPPEMANN: March 12th would be the
15 next meeting.

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

18 CHAIRPERSON KRIEGER: Is there a second?

19 MS. GRONACHAN: Second.

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

22 Seeing none, Katherine, call the roll.

23 MS. OPPEMANN: Member Byrwa?

1 MR. BYRWA: Yes.

2 MS. OPPERMANN: Member Ferrell?

3 MR. FERRELL: Yes.

4 MS. OPPERMANN: Member Gronachan?

5 MS. GRONACHAN: Yes.

6 MS. OPPERMANN: Chairperson Krieger?

7 CHAIRPERSON KRIEGER: Yes.

8 MS. OPPERMANN: Member Sanker?

9 MR. SANKER: Yes.

10 MS. OPPERMANN: Motion passes.

11 CHAIRPERSON KRIEGER: See you next month.

12 Good luck.

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

15 You're adjourning?

16 MR. FERRELL: Yes.

17 MR. BYRWA: Second.

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

20 THE BOARD: Aye.

21 CHAIRPERSON KRIEGER: All right. We're
22 adjourned.

23 (Meeting adjourned at 8:25 p.m.)

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C E R T I F I C A T E

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.

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

February 22, 2019.