

REGULAR MEETING - ZONING BOARD OF APPEALS

CITY OF NOVI

TUESDAY, NOVEMBER 14, 2017 7:00 P.M.

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

BOARD MEMBERS:

Siddharth Mav Sanghvi, Chairperson

Brent Ferrell, Secretary

Linda Krieger

Cindy Gronachan

Joe Peddiboyina

ALSO PRESENT:

Elizabeth Saarela, City Attorney

Lawrence Butler, Comm. Development, Dep. Director

Katherine Opperman, Recording Secretary

Reported by:

Darlene K. May, Certified Shorthand Reporter

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Novi, Michigan

Tuesday, November 14, 2017

7:00 p.m.

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CHAIRPERSON SANGHVI: Good evening. I would like to call to order the meeting of the Zoning Board of Appeals for November 14, 2017. Will you please all rise and join me in the Pledge of Allegiance.

(Pledge of Allegiance.)

CHAIRPERSON: Please be seated.

Madame Secretary, please call the roll.

MS. OPPERMAN: Member Byrwa is absent, excused.

Member Ferrell?

MEMBER FERRELL: Here.

MS. OPPERMAN: Member Gronachan?

MEMBER GRONACHAN: Present.

MS. OPPERMAN: Member Krieger?

MEMBER KRIEGER: Present.

MS. OPPERMAN: Member Montville is absent, excused. Member Nafso is absent, excused.

Member Peddiboyina?

MEMBER PEDDIBOYINA: Yes.

1 MS. OPPERMAN: And Chairperson Sanghvi?

2 CHAIRPERSON SANGHVI: Here. Thank you.

3 As you can see, today the total board is not
4 present and we are shrank a little bit. So I would
5 just like to remind you that since we have only five
6 members present this evening, it is four votes that are
7 required for passing, and those petitioners at this
8 time who wish to have their cases tabled until the next
9 meeting when a full board may be present, they may do
10 so now.

11 Seeing none, let's go on with the -- as far
12 as the public hearing, the format is the same as before
13 and the rules of procedure, et cetera, are available in
14 the front. And I won't repeat them. Just make sure
15 that your cell phones are turned off. Thank you.

16 Now, is there any changes in the agenda,
17 Madame Secretary?

18 MS. OPPERMAN: There are not.

19 CHAIRPERSON SANGHVI: Okay. So may I
20 entertain a motion to approve the agenda?

21 MEMBER KRIEGER: So moved.

22 MEMBER FERRELL: Second.

23 CHAIRPERSON SANGHVI: Thank you.

1 All those in favor?

2 MEMBER GRONACHAN: Aye.

3 MEMBER PEDDIBOYINA: Aye.

4 CHAIRPERSON SANGHVI: Aye. Thank you.

5 There are no minutes available at this time
6 so we'll pass that.

7 Now, this is the time, if anybody wants to
8 address the board about any subject other than the
9 items on the agenda today, this is the time to do it.

10 Seeing none, we'll close the public remark
11 section and move on to the first case.

12 PZ17-0042, Anthony M. Virga, 1607 East Lake
13 Drive, west of Novi Road and north of Thirteen Mile
14 Road, parcel number 50-22-02-355-018. The applicant is
15 requesting a variance from the City of Novi Zoning
16 Ordinance, Section 3.32.10, for addition of a proposed
17 pergola to an existing shed, 10 feet by 10 feet
18 allowed; and the Section 3.32.10.A to build a proposed
19 solid landscape stone wall under five feet in height
20 and extending into the right-of-way. One foot minimum
21 off property line is required. No fence allowed by
22 code. This property is zoned Single Family
23 Residential.

1 And I'll request the applicant to come to
2 forward.

3 MR. LANDRY: Good evening, members of the
4 ZBA. David Landry on behalf of Mr. Anthony Virga.

5 We are here tonight seeking a variance under
6 zoning ordinance 3.32.10 and 3.32, sub romanette two,
7 regarding maintaining a lakeside lot in an unobscured
8 condition. We are talking about lots on -- a lot on
9 East Lake Drive between the road and Walled Lake.

10 I submitted a letter with a lot of
11 photographs of this particular lot. And I want to say
12 at the outset that Mr. Virga started this project and
13 didn't get a variance. He's about 90 percent complete
14 and I would like to explain why he did that.

15 He bought his house in 2016 and he first
16 built a fence next to the house on the other side of
17 the road. He called the city and he said, "Do I need a
18 permit?" And -- before he did anything.

19 And the city said, "No. Just follow the
20 fence guidelines." So he did.

21 Next, he wanted to improve his lot by putting
22 a seawall in. So he called the city and he said, "Do I
23 need a permit?"

1 They said, "Yeah. You sure do, from us and
2 the DEQ." He hired a contractor, obtained the permits
3 to build a seawall.

4 Well, next he wanted to improve the lakefront
5 lot. Well, what he wanted to do was -- there was
6 pre-existing a wooden shed. There was pre-existing a
7 rod iron fence. There were brick pavers. There was
8 large bushes, a chain link fence and a pergola. He was
9 going to replace the bushes and the fence with a small
10 stone wall, three feet. He was going to move the
11 pergola over next to the shed and replace it with a
12 wooden pergola. So he called the city and he said, "Do
13 I need a permit to do landscaping?" And the city said,
14 "No."

15 Unfortunate choice of words "landscaping".
16 This is a little more than landscaping. He asked.
17 They said no. He called two contractors and they both
18 said, "No, you don't need a permit."

19 Well, they were all wrong because he does.
20 Once he was notified by the city, paid all of his
21 fines, we're here tonight asking for a variance.

22 Now, the zoning ordinance provides that with
23 respect to waterfront lots, the yard is to be

1 maintained on the water side in an unobscured position.

2 Except, you're allowed a shed. Well, what's
3 unobscured? I think in this case, the key is the
4 effect of the stonewall and the effect of the pergola.
5 And I would suggest that we begin with what is
6 obscured. That's a relative word. And that's exactly
7 why the ZBA exists, to make sure the zoning ordinance
8 is applied fairly and consistently. I would suggest we
9 start by looking what was there before he did anything
10 to this property.

11 Here's a photograph of what existed when
12 Mr. Virga bought the property. You can see there was a
13 shed, a very large, deciduous tree. There's a pergola.
14 There's a large bush on the south side. On the north,
15 there's a rod iron fence across the middle of it.

16 Here's a picture taken in the wintertime and
17 you can see on this picture that tree is still there.
18 You can see the rod iron fence and the large bushes.

19 With respect to the pergola, in the summer,
20 there was a canvas part that could be pulled to one
21 side or the other.

22 What Mr. Virga did was, he took the tree
23 down.

1 And I have some photographs here of what the
2 property looks like now.

3 Currently, the property looks like this. You
4 can see the shed is still there. He changed the roof
5 slightly. He didn't make it any higher. Just sort of
6 raised one part.

7 Instead of the bushes, he's got a small stone
8 wall. There's a stone wall in the front. The main
9 part is three feet high. What I'll call pillars are
10 3.6 feet. As you can see, he removed the tree. So
11 there's no longer the large deciduous tree.

12 Here it is from another angle. You can see
13 that this three-foot stone wall where there was a large
14 bush gets smaller as it goes to the road. And he
15 replaced this chain link fence with a stone wall on
16 that side.

17 He took the pergola down, which was an
18 aluminum pergola, and he built a wooden pergola off the
19 edge of the shed. So there's a couple other
20 photographs here of what it looks like.

21 Does this obscure the vision anymore than
22 what was there before? That's really the question.
23 Again, these are three feet tall with 3.6, three feet

1 six inches, on what I will call the pillars and what
2 was an aluminum pergola is now a wooden, but it's an
3 open roof. It's not a solid roof. There it is.

4 And this is what the condition looks like
5 today. We attached a letter from one of his neighbors,
6 his next door neighbor, Mr. and Mrs. Jarvis, who
7 specifically indicated in the letter that they did not
8 think it obstructed the view. And, in fact, they
9 reported in their letter, which is attached as Exhibit
10 F, that they believe the property looks better now than
11 it has ever looked and they have been there for 30
12 years.

13 So with the tree gone, I would suggest that
14 this does not obscure anymore than what existed before.
15 And, in my opinion, for you to decide, obscures less.

16 Well, the next step, I think, in examining
17 what is an unobscured view is to compare what is there
18 with other properties along East Lake Drive. I'm going
19 to show you some photographs of his neighbors' yards.
20 And these photographs show some rod iron fences right
21 up next to the road with significant trees and other
22 shrubs along East Lake Drive. There's sheds, fences,
23 trees. There are play structures. There are other

1 sheds. There are garages. There is a shed with a
2 pergola attached to it, just like his.

3 Now, I'll point out, this is not a seasonal
4 pergola. This stays up all year round. In fact, it
5 has a solid roof, not just a wooden, slatted roof.

6 Here's another photograph of the same pergola
7 attached to a shed which is significantly larger than
8 Mr. Virga's. Here's a photograph of a totally
9 different pergola with, next to it -- now, that just
10 looks like a frame. I don't know what they do, quite
11 frankly, in the summer with that.

12 But this is a solid-roofed pergola on their
13 property with a rod iron fence right up next to the
14 road.

15 And finally, I have some other photographs
16 with respect to the wall that Mr. Virga placed there.

17 Here is a photograph of a very similar brick
18 wall as Mr. Virga's. Here's a photograph of a solid
19 hedge row. Here's a photograph of a rod iron fence
20 with four-foot bushes there.

21 This one, I got a couple of photographs.
22 These are huge. These are over six feet tall, a solid
23 row of vegetation along the lots.

1 Here's a couple of photographs of white
2 picket fences around sheds.

3 And, finally, I took this photograph today.
4 Quite frankly, I don't know what that is, but it's
5 huge. They may have a variance. I have no idea. I
6 just point it out to show you -- give you some context
7 of whatever that is currently on East Lake Drive, and
8 it is huge.

9 Now, I don't point these out to be critical.
10 They're all very tastefully done. All of these
11 properties are very tastefully done, and I submit
12 that's why people bought these properties; to enjoy the
13 lake, to put fire pits, to gather with their children
14 and grandchildren and friends, to enjoy food, to enjoy
15 drink. That's why they bought the lots. So when we
16 talk about "unobscured", I would suggest that we have
17 to be able to afford people the ability to use the lots
18 for the purpose they purchased it for.

19 Now, I want to address one thing finally
20 because I think the administration raised this, and
21 that was the proximity of his wall to the street. I've
22 got a photograph here that I took. This wall -- which
23 is three feet tall, three feet six inches there -- this

1 edge is 21 feet from the center of the roadway.

2 And the other thing that I would point out
3 is: Note the telephone pole. Now, naturally, if
4 there's an easement running -- and I don't know if
5 there is. I could guess there probably is right there.
6 There may be a utility easement.

7 And, obviously, the City is concerned with
8 what happens if we have to dig up the water line.
9 Well, I'm going to suggest that before they get to
10 Mr. Virga's wall, they're going to have to take this
11 telephone pole down before they ever get to the wall.
12 Mr. Virga is absolutely prepared to sign an indemnity
13 agreement, a hold harmless agreement to the city. If
14 that wall, any portion, ever needs to come down, he'll
15 hold the city harmless, and they can bill him for it if
16 he doesn't take it down. He will sign any contract the
17 city attorney drafts.

18 So we are here tonight requesting a variance
19 that it is maintained in an unobscured matter.

20 And the second one, the 3.32 romanette two, I
21 believe there is a question whether or not the pergola
22 attached to the shed renders the shed larger than 10 by
23 10. I would suggest it doesn't. But to the extent it

1 does, we are asking for a variance. Again, we don't
2 think it renders the property obscured.

3 I'm analyzing this from the standpoint of
4 practical difficulty. Unique physical condition of the
5 property, it's lakefront property. Not self-created.
6 We didn't put the lake there.

7 Strict compliance prevents use for permitted
8 purposes. That's the whole key. People buy these lots
9 to be able to use the lake, to access the lake, to have
10 fun next to the lake.

11 Variance, minimally necessary and not
12 adversely impacting surrounding properties. You have a
13 letter from his neighbor specifically indicating it
14 does not, and I believe there are conditions on East
15 Lake Drive that, if you want to use the word "obscure",
16 probably obscure more than Mr. Virga's. But, again,
17 they're all tastefully done.

18 We would ask permission from the ZBA by way
19 of a variance to do three things. Four, actually. We
20 would like to leave what is there and not have to take
21 it down. We would like to finish the stone wall.
22 There's one missing gap piece in there. It is intended
23 to have the stone wall with a stone cap one-inch tall

1 on top. We would like to put those decorative caps,
2 which would make the wall three feet one-inch in the
3 middle and three feet seven inches on the end. And
4 finally, he would like to install solar panels on the
5 roof of the shed, but they would be flush. They would
6 not be those solar panels that stick up 45 degrees.
7 They would be flush.

8 But we're coming clean and telling you right
9 now this is everything we would like on this property.
10 We wouldn't add anything else to it. And so I'm happy
11 to answer questions, if there are any, or we'll stand
12 by if there's any additional questions.

13 Thank you.

14 CHAIRPERSON SANGHVI: Thank you.

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

17 Seeing none, we close the public remark
18 section for this case.

19 Mr. Butler, any comments?

20 MR. BUTLER: Yes. I just wanted to make note
21 that the pergola attached to the shed does add to the
22 overall dimension of the shed. So it's much larger
23 than what is allowed, which is a 10 by 10 shed. Also,

1 that the wall extends four feet into the right-of-way,
2 which he would have to get permission to allow that.
3 But that's not through the building department.

4 CHAIRPERSON SANGHVI: Thank you.

5 Mr. Secretary, do you have any
6 correspondence?

7 MEMBER FERRELL: Yes, Mr. Chair. There was
8 60 letters mailed, one letter returned, zero approvals,
9 and zero objections.

10 CHAIRPERSON SANGHVI: Very good. Thank you.

11 I came and saw this property. I mean, I have
12 seen it a few times. And again, I went back and looked
13 at it. From my personal point of view, it's really
14 nicely done. I looked around, went on back and forth,
15 to the north of it, south of it, and I didn't find any
16 major problem about obstructing the view. But this is
17 my view. I will open it up to the board now.

18 Yes?

19 MEMBER GRONACHAN: Some questions. Can you
20 tell me, does --

21 Or maybe Mr. Landry knows. What is the
22 actual size of the finished building, then? Everybody
23 said it's not 10 by 10, but nobody told us what it is

1 with the pergola. Do we have that information?

2 MR. LANDRY: The dimensions of the pergola
3 roof are 13 by 14.

4 MR. VIRGA: That's the overhang, too.

5 MR. LANDRY: Well, that's the total edge of
6 the upper roof of the pergola, 13 by 14.

7 MEMBER GRONACHAN: So with the pergola and
8 the building it's 13 by 14?

9 MR. LANDRY: No. It extends.

10 How many feet out towards the lake does it
11 extend?

12 MR. VIRGA: It extends 14 feet out --

13 MEMBER GRONACHAN: I'm sorry, can you come
14 forward?

15 MR. VIRGA: Sure.

16 MEMBER GRONACHAN: So we can get you on the
17 mic. And I'm sure there's people at home.

18 And if we could swear you in, that would be
19 great, please.

20 CHAIRPERSON SANGHVI: Would you please state
21 your name and address.

22 MR. VIRGA: Anthony Virga. 1607 East Lake
23 Drive.

1 CHAIRPERSON SANGHVI: And you will be sworn
2 in by our secretary.

3 MEMBER FERRELL Raise your right hand for me.
4 Do you swear to tell the truth in this case?

5 MR. VIRGA: Yes, I do.

6 MEMBER FERRELL: Thank you.

7 CHAIRPERSON SANGHVI: You may respond.

8 MEMBER GRONACHAN: So without the pergola,
9 how big is the building?

10 MR. VIRGA: The building itself is 12 by 8,
11 which is one hundred square foot, that is allowed by
12 this building. The footing in here is 10 by 10, but
13 the actual roof top goes 13 by 14. It overhangs. The
14 ground in here is just 10 by 10.

15 MEMBER GRONACHAN: For the building
16 department, so you mentioned the four feet into the
17 right-of-way.

18 MR. BUTLER: Yes.

19 MEMBER GRONACHAN: Who would the petitioner
20 have to go to? It's not in our ...

21 MR. BUTLER: I believe that's the county that
22 he would have to get that permission to keep it out of
23 the right-of-way.

1 MEMBER KRIEGER: So that has nothing to do
2 with us tonight?

3 MR. BUTLER: Nothing to do with us, right.

4 MEMBER GRONACHAN: So what exactly are we
5 granting this evening, the variance for the actual
6 finished wall once completed or do we have to spell
7 something out here? I'm a little confused about -- I'm
8 a little confused about the specifics on the ...

9 MS. SAARELA: On the solid wall.

10 MR. BUTLER: On the wall, we really cannot
11 grant the finished wall because it's four feet into the
12 right-of-way. If it wasn't four feet into the
13 right-of-way, then we could say, yes. If we was going
14 to go ahead and let him have the wall, we could say
15 that, but we cannot approve that portion that is in the
16 right-of-way.

17 MR. LANDRY: Can I ask for clarification,
18 Madame Gronachan?

19 MEMBER GRONACHAN: Sure.

20 MR. LANDRY: Are we only talking about that
21 portion of the north wall that I showed a picture of,
22 not the south wall?

23 MR. BUTLER: Yes.

1 MR. LANDRY: Just for that clarification.
2 Thank you, Mr. Butler.

3 MEMBER GRONACHAN: So can we even grant
4 anything this evening being that they needed to get
5 county permission first?

6 MR. BUTLER: On the wall, I don't believe
7 that we can.

8 MEMBER KRIEGER: Would that be a question for
9 the city attorney?

10 MS. SAARELA: I guess, my understanding is
11 that we are here for a variance that is separate from
12 the right-of-way permit because that would be a
13 right-of-way permit issue.

14 MEMBER GRONACHAN: Okay.

15 MS. SAARELA: So the variances, as I
16 understood them, were for not obscuring the view and
17 whether or not this is obscuring the view. And if it
18 is obscuring the view, in your opinion, the variance
19 standards have to be met to be able to, you know,
20 obscure the view. And then for the size of the shed.
21 Those are the two variances, as I understand them.

22 MEMBER GRONACHAN: Okay.

23 I'm going to put my view out there. Given

1 the size of the lot and the existing challenges, being
2 living on the lake, I don't see -- I am in support of
3 the request of the building as well as the wall, with
4 the exception of what was stated with the four foot
5 right-of-way.

6 I think that the size and shape of the
7 property presents the hardship and I think that based
8 on the miscommunication that you've received, it is
9 unfortunate, but things happen. We all live in
10 the real world today. There's errors out there and I
11 don't think that the petitioner should be held
12 responsible because of it. I think that the petitioner
13 proved that he has been a very investing resident. And
14 with all the improvements that he's made, I feel that
15 this is his home, he takes great pride. And I don't
16 think that this is an, "Oops, let me ask for
17 forgiveness," because it's easier to do that then ask
18 for permission.

19 So I don't feel that there's anything
20 obscured at all. So I'm in support of that.

21 I'm not clear on the pergola and the shed. I
22 don't see the purpose of the pergola. And if that
23 is going to -- If not everybody is in agreement with

1 that, we can discuss that further. And I think that if
2 we do grant a variance this evening, if we are all in
3 agreement, that we should talk to the city attorney
4 about the indemnity agreement and hold harmless
5 agreement, if that is something that we need to
6 address.

7 MS. SAARELA: I mean, you could make that a
8 condition of your variance, but it would also get, I
9 guess, flagged at the time they request a right-of-way
10 permit.

11 MEMBER GRONACHAN: Okay. So based on those
12 facts, that's where I stand in this case.

13 CHAIRPERSON SANGHVI: Thank you.

14 MEMBER GRONACHAN: Thank you.

15 CHAIRPERSON SANGHVI: Yes, Mr. Ferrell?

16 MEMBER FERRELL: I thought we weren't here
17 for the walls. So that really doesn't affect this.

18 MS. SAARELA So, no. I mean, you're not
19 really here for the wall being in the right-of-way.
20 You're here for the wall obscuring the view and the
21 size of the shed.

22 MEMBER FERRELL: Two different things?

23 MS. SAARELA: Right.

1 MEMBER FERRELL: Okay.

2 MS. SAARELA: So if you believe that the
3 whole harmless is, I guess, an issue with respect to
4 the obscuring issue, then, you know, that would be the
5 condition that you would attach to that variance. I
6 don't see how it's related to the size of the shed,
7 necessarily.

8 But as I said, that's an issue that's going
9 to get caught when they apply for having an obstruction
10 in the right-of-way. Whether it be a city engineering
11 division or the county, I'm not sure which one --
12 whose role that is.

13 MEMBER FERRELL: So the shed is supposed to
14 be 10 by 10, that's what is allowed?

15 MR. BUTLER: Yes.

16 MEMBER FERRELL: So what are the total
17 dimensions of the shed with the pergola? Do we know
18 that?

19 MEMBER GRONACHAN: That's what he just gave
20 us; 13 by 14 and 10 by 10.

21 MEMBER FERRELL: Well, was it?

22 MR. LANDRY: What are the dimensions of the
23 shed?

1 MEMBER FERRELL: Yeah.

2 MR. VIRGA: 8 by 12. The shed is 8 by 12.

3 It's a 100 square feet.

4 MR. LANDRY: And then the roof extends 13
5 feet towards the water, 14 feet wide. So the whole
6 length of the shed would be -- what did you say eight
7 by --

8 MR. VIRGA: If you go by the ground footing
9 of everything, it's 200 square feet.

10 MEMBER FERRELL: Okay. I don't -- I'm sorry.
11 I'm not understanding.

12 MEMBER GRONACHAN: That's what I was
13 wondering; if we need a variance.

14 MS. SAARELA: I guess the one concern I have
15 about that is whether that dimension made it into the
16 notice for this variance. Because we don't necessarily
17 have notice of the size of the variance at this point.

18 So if we never had these dimensions before
19 this moment, that may need to be renoticed. Because we
20 didn't post the size of the variance in the notice,
21 then.

22 MEMBER FERRELL: Well, not only that --

23 MEMBER KRIEGER: I don't understand how the

1 shed and the pergola -- I'm sorry.

2 MEMBER FERRELL: Hold on a second.

3 So in addition to that, because they're
4 asking to add a stone cap another inch taller on the
5 wall?

6 MR. LANDRY: Yeah. We would ask to be able
7 to finish the project.

8 MEMBER FERRELL: That's not part of this?

9 MS. SAARELA: I think that's part of the
10 obscuring question, am I correct?

11 MEMBER FERRELL: That is not an additional
12 thing that needed to be posted?

13 MS. SAARELA: No. That would just be whether
14 or not that adds to the issue of whether it's obscuring
15 the view.

16 MEMBER FERRELL: Solar panels, how about
17 that?

18 MS. SAARELA: Whether that's obscuring the
19 view. And I think we discussed those being flat.

20 MR. LANDRY: Correct. Correct.

21 MEMBER FERRELL: Yes. So it's not something
22 that is --

23 MS. SAARELA: Well, those are all issues of

1 whether what they are constructing obscures the view or
2 not.

3 MEMBER FERRELL: But without having them on
4 there and seeing them on there, how do you know?

5 MS. SAARELA I guess if they're flush to the
6 roof, you'd have to just sort of look at the roof.

7 MEMBER FERRELL: So that's not something you
8 would approve tonight because it's not on the roof, am
9 I right?

10 MS. SAARELA: I mean, I don't think that's a
11 separate question necessarily.

12 MR. LANDRY: If I could step in. I think
13 there are two issues. One is the obscuring issue. And
14 that, you could grant a variance tonight; that is, the
15 wall and that's the cap on the wall, that is the solar
16 panels on the top of the roof. That's one. Whether
17 you think that obscures or not.

18 MEMBER FERRELL: Okay.

19 MR. LANDRY: Two, the size of the shed, the
20 ordinance says 10 by 10. And the city administration
21 is of the opinion that putting a pergola on it
22 increases the size of the shed. Okay.

23 MEMBER FERRELL: Right.

1 MR. LANDRY: So we are asking for a variance
2 from that. So those are the two variances we are
3 asking for. What I'm hearing tonight is, with respect
4 to the fact that that wall sits on the right-of-way, we
5 have to go to the county for that. And we'll be happy
6 to do that, but we are simply asking for variances from
7 the size of the shed and the obscurity.

8 MEMBER FERRELL: Okay. Thank you.

9 Thank you, Mr. Chair.

10 CHAIRPERSON SANGHVI: Yes, Ms. Krieger?

11 MEMBER KRIEGER: Considering what our homes
12 were like in Walled Lake in the '40s when they first
13 built them and all the people that have been moving in
14 now, it's beautifying and enhancing that whole roadway.

15 And about right-of-way, that will go to the
16 county as we discussed. I just -- because he's,
17 unfortunately, paid his fines and was doing as he could
18 to beautify what he's had, what he went from the
19 pictures to what he has got now, he put the pergola and
20 the shed together. So, apparently, that makes an
21 increase in size of the one particular area. The three
22 feet is under five feet. The other area, the other
23 homes along it are similar, although it may be a brick

1 wall or shrubs like thujas, I would be in support of
2 the shed and the pergola together and the wall because
3 it's not obscuring views. It's under the five feet.
4 He's going by three feet and then a cap and the -- it's
5 beautifying and enhanced by everything that he has put
6 there. So I find this acceptable.

7 CHAIRPERSON SANGHVI: Thank you.

8 Yes, Ms. Saarela?

9 MS. SAARELA: So, before we move on, let me
10 just clarify. It sounds like you're going to start out
11 by making a finding regarding whether or not you
12 believe that the proposal obscures the view as it's
13 defined under the zoning ordinance.

14 The second thing I do want to point out is on
15 the second variance I do think we need to table it to
16 renotice it with the actual dimensions of the shed,
17 including the pergola.

18 So do you want to table the whole thing? I
19 don't know if you want to grant one now and table that
20 one or just table the whole thing and renotice it?

21 MEMBER GRONACHAN: Let's just table it.

22 MEMBER KRIEGER: Mr. Landry, would you be
23 okay with tabling it?

1 MR. LANDRY: We would agree to whatever the
2 city administration feels is necessary, but I thought
3 there was a schematic that was attached with the
4 package that Mr. Virga first submitted on his own.

5 MS. SAARELA: There might have been a
6 schematic. But from what I'm understanding, what went
7 into the notice that was posted --

8 MEMBER GRONACHAN: It wasn't clear.

9 MS. SAARELA: -- and published is just what
10 it says under request here on the first page of the
11 packet.

12 MR. LANDRY: Okay. Whatever the city
13 administration -- if you believe it would be better
14 to renotice it and come back --

15 MS. SAARELA: I just don't want it to be an
16 invalid variance and have to --

17 MR. LANDRY: Not a problem. We'd be happy to
18 accommodate and come back.

19 MS. SAARELA: But feel free to talk through
20 it. It's up to you.

21 MEMBER GRONACHAN: I agree with that. I
22 think it would be better and cleaner if we spelled out
23 the size of the shed and the pergola. Because, you

1 know, this is a case that people are going to use this
2 for future reference and it would just be neater and
3 cleaner if we did the right thing.

4 I mean, like I said, I don't have anything
5 against the obscuring anything. I think that the
6 petitioner showed with the bushes, you know, this is a
7 controlled view -- I don't want to say a controlled
8 block, but it is more effective control than some of
9 those bushes on East Lake Street. So ..

10 CHAIRPERSON SANGHVI: This seems final. It's
11 not going to go any further.

12 MEMBER GRONACHAN: Exactly. And given the
13 rest of the case, I think that it would be best if we
14 postpone it or table it until next month.

15 If that's in agreement with the petitioner,
16 then they can readvertise it.

17 MS. SAARELA: So I think that what it sounds
18 like is that what you are proposing is to make a
19 finding that there is no obscured view. So you
20 wouldn't be, then, going through the standard under
21 that section under the ordinance and interpretation
22 that, based on the facts and circumstances that you
23 have seen, that there is no obscured view. Rather than

1 granting a variance allowing an obscured view.

2 MEMBER KRIEGER: Okay. Oh, all right. Okay,
3 got you. Yeah.

4 CHAIRPERSON SANGHVI: Thank you.

5 MEMBER PEDDIBOYINA: Mr. Chair, excuse me?

6 CHAIRPERSON SANGHVI: Yes, Mr. Peddiboyina?

7 MEMBER PEDDIBOYINA: Thank you, Chairman.

8 Mr. Landry, you did an excellent presentation
9 in collecting the items on what all it is and what you
10 are doing on the project, I really like it. I have no
11 objection on this.

12 And as for the city attorney and what they
13 are saying and we need to go clean and clear.

14 CHAIRPERSON SANGHVI: Very good.

15 MEMBER GRONACHAN: So now you're waiting
16 for --

17 MS. SAARELA: To table to a specific date.
18 So I guess it's going to have to be renoticed on this
19 so I guess it doesn't matter.

20 MR. LANDRY: Could I make one suggestion?

21 MS. SAARELA: Yes.

22 MR. LANDRY: Could we have a vote on the
23 obscuring part and resolve that part?

1 MS. SAARELA Sure. I said that if they want
2 to do that.

3 MR. LANDRY: If they wanted to resolve the
4 obscurity part and then we would only have to come back
5 on the size of the shed. So you wouldn't have to
6 notice it for everything else all over again.

7 UNIDENTIFIED MALE SPEAKER: Could I ask you a
8 question?

9 MS. SAARELA: Have you opened up public
10 comment?

11 CHAIRPERSON SANGHVI: No. I ...

12 MS. SAARELA: Open a public comment.

13 CHAIRPERSON SANGHVI: Okay. I'll take a
14 motion.

15 MEMBER GRONACHAN: You can open up a public
16 comment.

17 CHAIRPERSON SANGHVI: I already did. And
18 nobody came forward at the time.

19 UNIDENTIFIED MALE SPEAKER: I just have a
20 question. On the city website, there's a 55-page
21 document that they prepared. Were the dimensions of
22 the pergola within the 55-page document that is on the
23 city's website?

1 MS. SAARELA It doesn't matter. It has to be
2 in the notice that was published in the paper.

3 CHAIRPERSON SANGHVI: I already asked for it.
4 There was no response from the audience so I closed it.
5 Anyway.

6 MEMBER GRONACHAN: So I would like to make a
7 motion.

8 CHAIRPERSON SANGHVI: Make a motion
9 pertaining to the obscurity.

10 MEMBER GRONACHAN: Okay. I move that we
11 approve -- let me start this again. In case number
12 PZ17-0042 for Anthony Virga, I move that the question
13 of the fence and building and ...

14 CHAIRPERSON SANGHVI: Pergola.

15 MEMBER GRONACHAN: And pergola, if it
16 obscures the view or causes an obscurity on the
17 property, I move that it is the opinion of this board
18 that it is not an obstruction given the current
19 testimony by the petitioner and the discussion at this
20 table and that we table -- I'm not going to add that.

21 CHAIRPERSON SANGHVI: It's two separate ones.

22 MEMBER GRONACHAN: Yeah. So that's my
23 motion.

1 Is there a second?

2 MEMBER PEDDIBOYINA: I second it.

3 CHAIRPERSON SANGHVI: Second.

4 Okay. Any further discussion about
5 obscuring?

6 MEMBER FERRELL: Do we need to say anything
7 about that it's a partial motion because it's not the
8 full variance?

9 MS. SAARELA: Well, you have two variances.
10 You can just say that you're considering one variance
11 today and you're going to table one variance. And
12 maybe I would suggest the way you frame it is that
13 you're making a finding that the proposal does not
14 obscure the view as defined in this ordinance, section
15 3.32A.

16 And for the reasons -- you know, the pictures
17 that were shown on the other surrounding lots.

18 MEMBER GRONACHAN: I would like to amend my
19 motion and add the statement that the attorney just --
20 the city attorney just offered. Which was "does not
21 obscure the view" -- and my pen ran out of ink. I'm
22 sorry.

23 MS. SAARELA: We'll make a finding that the

1 proposal by the petitioner does not obscure the view as
2 defined in section 3.32A based on the facts presented
3 by the petitioner showing the surrounding properties
4 with additional obstructions in front of the lake.

5 CHAIRPERSON SANGHVI: Okay.

6 MEMBER GRONACHAN: Okay. I accept that
7 amendment.

8 CHAIRPERSON SANGHVI: Do you accept that?

9 MEMBER PEDDIBOYINA: Yeah. I second.

10 CHAIRPERSON SANGHVI: Okay. Any further
11 discussion about this part of the motion?

12 None.

13 Madame secretary, please call the roll.

14 MS. OPPERMAN: Member Ferrell?

15 MEMBER FERRELL: Yes.

16 MS. OPPERMAN: Member Gronachan?

17 MEMBER GRONACHAN: Yes.

18 MS. OPPERMAN: Member Krieger?

19 MEMBER KRIEGER: Yes.

20 MS. OPPERMAN: Member Peddiboyina?

21 MEMBER PEDDIBOYINA: Yes.

22 MS. OPPERMAN: And Chairperson Sanghvi?

23 CHAIRPERSON SANGHVI: Yes.

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MS. OPPERMAN: Motion passes.

CHAIRPERSON SANGHVI: Okay. Now you can
table the rest.

MEMBER GRONACHAN: And then I move that we
table the second part of this case and request for the
variance so we can have proper notification to the
residents in the area for the size and dimensions of
the pergola and the building, to be tabled for the
month of December, if that's okay with the petitioner
and his attorney?

MR. LANDRY: Yes. That's fine.

MEMBER GRONACHAN: Okay.

CHAIRPERSON SANGHVI: Okay. Anybody second?

MEMBER FERRELL: Second.

CHAIRPERSON SANGHVI: Motion has been made
and seconded. Any further discussion?

Seeing none. Madame secretary, call the
roll, please.

MS. OPPERMAN: Member Ferrell?

MEMBER FERRELL: Yes.

MS. OPPERMAN: Member Gronachan?

MEMBER GRONACHAN: Yes.

MS. OPPERMAN: Member Krieger?

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MEMBER KRIEGER: Yes.

MS. OPPERMAN: Member Peddiboyina?

MEMBER PEDDIBOYINA: Yes.

MS. OPPERMAN: And Chairperson Sanghvi?

CHAIRPERSON SANGHVI: Yes. Thank you.

All right. We'll see you next month.

MEMBER FERRILL: Partial congratulations.

MR. LANDRY: Thank you for your
consideration.

MEMBER GRONACHAN: We'll see you next month.
Don't forget the Christmas cookies.

CHAIRPERSON SANGHVI: Moving on to the second
case, PZ17-0047, Compo Builders Inc., 47750 Casa Loma
Court, west of Beck Road and south of Nine Mile Road.
Parcel number 50-22-32-201-007.

The applicant is requesting a variance from
the City of Novi zoning ordinance section 3.1.1.E for a
proposed reduced backyard setback of seven feet three
inches to allow 42 feet and nine inches and 50 feet
minimum required by code for the installation of a new
roof to cover the hot tub. This property is zoned
Residential Acreage.

And is the applicant here?

1 MR. COMPO: Yes.

2 CHAIRPERSON SANGHVI: Please come forward.
3 Identify yourself with your name and address, and if
4 you're not an attorney, be sworn in by the secretary.

5 MR. COMPO: David Compo. I live at 901
6 McDonald in Northville and I'm a builder and developer
7 of Casa Loma.

8 MEMBER FERRELL: Are you an attorney?

9 MR. COMPO: No, I'm not.

10 MEMBER FERRELL: Please raise your right
11 hand.

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

13 MR. COMPO: I do.

14 MEMBER FERRELL: Thank you.

15 CHAIRPERSON SANGHVI: Please, go ahead.

16 MR. COMPO: This is a home that was under
17 construction and we built it -- or we are building it,
18 I should say, for a gentleman and his wife who are
19 moving back from the auto companies from Shanghai. And
20 through the process, his wife has come into some
21 substantial injuries. So we have made modifications to
22 our existing plan and submitted it with an elevator and
23 barrier free showers and so on.

1 As part of her therapy, the therapist
2 recommended that she get continuous hydrotherapy. So
3 he wanted to add a spa. However, I didn't notice until
4 I had submitted the plan that once we put a roof on it,
5 even though it was on a foundation attached to the
6 covered patio area, that roof then submitted -- or went
7 into the setback.

8 This would be approved if it were a stand
9 alone. It could be set back in the backyard, just like
10 the pool itself that they're doing is going to be into
11 the backyard. But once it's attached to the house,
12 then it becomes a setback issue. If it's a stand alone
13 like a pergola out in the back yard, it would not. So
14 I would call it kind of a glitch in the ordinance the
15 way it's written, which probably goes also to our next
16 one that we're going to be coming up on.

17 So I just ask that our client be allowed to
18 do this, if we could do it, with a covered, extended
19 roof area. It's still open air, but I think the looks
20 from Bellagio and from around the area wouldn't be very
21 good.

22 Obviously, it has my full support as the
23 developer of the community, and I'm building the homes

1 on either side. I just finished Mr. Hoffmann's house
2 to the south on lot eight. This is lot seven we're
3 talking about. And on that one I have full support of
4 Mr. Hoffmann as the owner of Wimsatt Building
5 Materials. And on the other side a surgeon who I met
6 with today. Again, I don't believe we've had any
7 people that are denying this that I'm aware of.

8 So I want to thank the board and, of course,
9 staff here. And I talked to Larry and Chris about
10 this, you know, when I came into the building
11 department.

12 If you have any questions, I'm happy to
13 answer them.

14 CHAIRPERSON SANGHVI: Okay. Thank you.

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

17 KELLY HALL: Yeah, I would.

18 CHAIRPERSON SANGHVI: Please come forward
19 here to the podium here and mic. And identify yourself
20 with your name and address and be sworn in by our
21 secretary.

22 MS. HALL: My name is Kelly Hall. I live at
23 47525 Capri Court. I have been out of town for the

1 last 10 days and just opened my mail to read this, that
2 there was a meeting today. So my question is: Where
3 is this property? Where is lot seven? Because I know
4 there's, like, 10 lots and I haven't been back there.
5 So my question is -- I don't know, I haven't driven
6 back there. So I would like to know where is this lot?
7 Is it going to be where my property is that they're
8 talking about this? So if I can have that question:
9 where this lot is.

10 CHAIRPERSON SANGHVI: Thank you. Do you have
11 a diagram of your subdivision there somewhere to show
12 them on the screen?

13 MR. COMPO: I do not have the diagram of the
14 subdivision with me. There's 10 lots all together. If
15 you were to go from Beck Road to the west, lot seven is
16 the last lot on the -- towards Bellagio on that lot.

17 MS. HALL: Is that when you drive straight
18 down?

19 MR. COMPO: Straight down. All the way to
20 the end.

21 MS. HALL: All the way to the end. So it's
22 all the way on the end and to the right?

23 MR. COMPO: Correct. Right now it's opposite

1 of a vacant lot.

2 MS. HALL: Okay. I know right where that is.
3 That's right down the street. That's the reason why I
4 wanted to know. I didn't want it to be back of my lot.
5 Because my home used to be woods for the last 10 years.
6 So that was my only question. My husband couldn't be
7 here so I had to show up and come here. So that was my
8 question.

9 MEMBER GRONACHAN: Thank you.

10 MS. HALL: Okay. Thank you.

11 CHAIRPERSON SANGHVI: Okay. Thank you.

12 Anybody else?

13 Seeing none, we will close the public remark
14 section.

15 For the City, Mr. Butler?

16 MR. BUTLER: No comment.

17 CHAIRPERSON SANGHVI: No comments. Very
18 good.

19 Mr. Secretary, any correspondence?

20 MEMBER FERRELL: Mr. Chair, 26 letters were
21 mailed. Zero letters returned, zero approvals and zero
22 objections.

23 CHAIRPERSON SANGHVI: Okay. I'll open up to

1 the board.

2 MEMBER GRONACHAN: Can you put the drawing
3 up? Did you bring that with you, on what we have in
4 our packet?

5 MR. COMPO: I did not. I can certainly
6 answer any questions. It's in my head.

7 MEMBER GRONACHAN: I guess where I'm confused
8 is why it has to be attached to the house. And I
9 couldn't really --

10 MR. COMPO: It's access for Mrs. Houlihan
11 (ph) to be able to get into the hot tub. So originally
12 it was going to be a hot tub in the yard.

13 MEMBER GRONACHAN: Oh, okay.

14 MR. COMPO: Pool, hot tub, out in the yard
15 probably 20 feet from the lot line. And with these
16 injuries, as I discussed earlier, with her necessity of
17 barrier free, he says the only way for her to get into
18 this thing -- because, you know, usually they sit up
19 about four feet -- is to be able to go to, basically, a
20 chair height where you put the hot tub down on to a
21 platform off the covered patio. She can set her fanny
22 on it and swing down into it adjacent to this area,
23 which allows her to be able to get in and out without

1 having to do steps and rails and this raised up
2 monstrosity that wouldn't look very good.

3 So that was the entire reason for the owner
4 requesting it. Again, I'm here upon his request
5 because he said, "This is really what I need to have
6 happen."

7 Of course, he's in Shanghai so he couldn't be
8 here. So as his builder and as the developer and as
9 the person who sold him the lot, he said, "Please get
10 this. I really need this for my wife." So that's why
11 we're doing it.

12 MEMBER GRONACHAN: I needed that
13 clarification. Thank you.

14 MR. COMPO: No problem.

15 MEMBER GRONACHAN: I don't have any further
16 questions.

17 CHAIRPERSON SANGHVI: Okay. Anybody else?
18 Seeing none.

19 I went and looked at the place. I had a hard
20 time finding the building, but I know the area you're
21 talking about there because there is no labeling for
22 the place where this is located. But anyway, I have a
23 very good idea of where this place is and I don't

1 personally have any problem with that.

2 Having said that, I will entertain a motion
3 by somebody.

4 Anybody? Whoever wants to.

5 Okay, go ahead, Ms. Gronachan.

6 MEMBER GRONACHAN: In case number PZ17-0047
7 for 47750 Casa Loma Court, west of Beck Road and south
8 of Nine Mile, I move that we grant the variance in this
9 case for a proposed reduced backyard setback of seven
10 feet three inches to allow 42 feet, nine inches for the
11 installation of a roof to cover a hot tub. Based on
12 the petitioner's testimony, without the variance, the
13 petitioner would be unreasonably prevented or at least
14 limited with respect to the use of the back of this
15 yard due to a recent illness and medical handicap.

16 The property is unique because of its size
17 and shape and location. The petitioner did not create
18 the condition due to medical reasons. The relief
19 granted would not unreasonably interfere with adjacent
20 or surrounding properties due to the fact that this is
21 a fairly new development. There are no other
22 objections. And this is somewhat of a secluded, wooded
23 area that abuts to the property in question.

1 Therefore, I move that this variance be granted.

2 MEMBER FERRELL: Second.

3 CHAIRPERSON SANGHVI: The motion has been
4 made and seconded. Is there any further discussion?

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

7 MS. OPPERMAN: Member Ferrell?

8 MEMBER FERRELL: Yes.

9 MS. OPPERMAN: Member Gronachan?

10 MEMBER GRONACHAN: Yes.

11 MS. OPPERMAN: Member Krieger?

12 MEMBER KRIEGER: Yes.

13 MS. OPPERMAN: Member Peddiboyina?

14 MEMBER PEDDIBOYINA: Yes.

15 MS. OPPERMAN: And Chairperson Sanghvi?

16 CHAIRPERSON SANGHVI: Yes.

17 MS. OPPERMAN: Motion passes.

18 CHAIRPERSON SANGHVI: Thank you.

19 MR. COMPO: Thank you.

20 CHAIRPERSON SANGHVI: All right. We'll move
21 on to the next one, and I think that one also is yours.

22 PZ17-0048 for 20940 Dunhill Drive. West
23 of Beck Road and Eight Mile Road. Parcel number

1 50-22-32-402-013. The applicant is requesting a
2 variance from the City of Novi Zoning Ordinance section
3 3.1.1 for the proposed increased lot coverage by one
4 percent to 26 percent for the building of a lanai for
5 25 percent lot coverage allowed by the code. This
6 property is zoned residential acreage.

7 And I see the petitioner is already at the
8 podium. Please go ahead and make your presentation.

9 MR. COMPO: Again, thank you board and staff.

10 This is another one of those unique items
11 that I wasn't aware of that we were even in percentage
12 when I came in and talked to Chris, who was doing the
13 plan review. He says, "I think you're right there on
14 the edge of the lot coverage."

15 Just give you a quick back history on this
16 Archdiocese property. You know, we were considering
17 developing this back and one of my friends, the Hunter
18 Pasteur Developers, decided to do it. And then,
19 knowing our community down the street and our proximity
20 and the fact that our offices are in Novi, he had
21 offered that if I am interested for Compo Builders to
22 build him this community, that he would like us to do
23 so. Under one condition that we build a model home.

1 We haven't built a model home in 15 years due to the
2 down turn in economy. Unfortunately, we haven't had
3 to. But for us, the ranch homes, the single level
4 home, has been absolutely, incredibly popular.

5 When Hunter Pasteur submitted this, they did
6 not have a minimum square footage requirement, and I
7 believe it was 3400 for, you know, your typical
8 colonials and up.

9 So I said, "Listen, if we're going to build a
10 model, I want it to be a ranch." I want to make sure.
11 Because that is -- one, that is popular. And the empty
12 nesters all want these ranches. In hitting your
13 minimums here, I would want to get to the minimum
14 square footage, but I'm not going to build a 3400 foot
15 ranch, that would be gigantic.

16 So he amended his square footage requirements
17 to 2850. And, plus, he's required to have a three car
18 garage. So 2850 and a three car garage, I'm basically
19 right there at the 25 percent lot coverage. In this,
20 between a master suite and a dining area behind the
21 great room, we have a patio, which is designed as a
22 covered patio. Again, similar to the previous case, if
23 this covered patio were to be a stand alone cupola,

1 stand alone gazebo in the backyard, it wouldn't be
2 included as lot coverage, but because it's attached, it
3 now becomes the included.

4 Again, I could put a retractable awning on
5 this, which again, I don't think it would look very
6 good. And I think probably the most popular thing that
7 clients are looking for is this covered lanai. It's
8 just incredibly popular versus just an open patio.

9 So I sat with Chris and Larry with the plan.
10 I said, "Okay. Where would I have to cut?"

11 Because it includes, obviously, front porch,
12 garage, house, you know, all that stuff.

13 I said, "Well, if I took the service door out
14 and it didn't have a service door and I took four feet
15 by 25 feet, that would cut out a hundred. I was
16 getting within probably a quarter percent of being able
17 to make the lot coverage work by kind of squishing
18 these other areas. Not reducing the house but I had to
19 reduce the garage and take the roof off the front
20 porch. And I thought, "God, this is kind of making the
21 elevation look silly."

22 So Chris had suggested, as well as Larry,
23 that I come here and request this variance. But now

1 I'm going to be right there on the line. If I build
2 anymore of these ranches on that specific lot -- which
3 I think it's 150 by 105 foot lot. So this is going to
4 be a little quandary I'm going to have to deal with if
5 I continue to build there or come back here in front of
6 you if it comes to one percent again.

7 CHAIRPERSON SANGHVI: Very good. Thank you.

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

10 Seeing none. We'll close the public remarks.

11 Mr. Butler?

12 MR. BUTLER: We did look at it and looked at
13 it at one percent reduction and the lot coverage was
14 very minuscule and it was pretty much within reason for
15 what he needs to build for his lanai.

16 CHAIRPERSON SANGHVI: Thank you.

17 Mr. Secretary?

18 MEMBER FERRELL: Yes, Mr. Chair. There was
19 21 letters mailed, zero letters returned, zero
20 approvals and zero objections.

21 CHAIRPERSON SANGHVI: Thank you. I have only
22 one question. This variance request is for only this
23 particular lot only; is that right?

1 MR. COMPO: Yes, sir.

2 CHAIRPERSON SANGHVI: Thank you. Open it up
3 to the board.

4 MEMBER GRONACHAN: You're a mind reader, you
5 know that. I've been working with you way too long.

6 I have a concern. I'm well familiar with
7 that area. And 150 feet by 105 is a lot of area. And
8 I can see your problem and I understand that one
9 percent is minimal, but by granting this one percent, I
10 don't want to open up Pandora's Box in letting the
11 development think that every house can get a one
12 percent variance.

13 I'm just saying that.

14 MR. COMPO: Understood.

15 MEMBER GRONACHAN: I think that I would be in
16 support of this if it was for this house only and we
17 weren't going to set a pattern for all of the ranch
18 houses in that area. As a ZBA member, we need to come
19 up with criteria to meet the reason why we're granting
20 the variance. Lot size can't necessarily be it. But I
21 would say topography. It would be my reason for out
22 there on why I would be in agreement to the one
23 percent. Ranch houses are a little different in that

1 area. There's very few ranch houses of that
2 magnitude -- or that quality, I should say. Not
3 magnitude because it's not that large.

4 But for the dollar amount that's being spent
5 on this house and for the lot and where it's at, I
6 would be in support of this, if it's for this house
7 only and it would be because of the topography of the
8 lot. And I'll wait to hear from the rest of my board
9 members.

10 CHAIRPERSON SANGHVI: Thank you.

11 Anybody else?

12 No comments.

13 MEMBER GRONACHAN: They're all looking at me.

14 MR. COMPO: I do have one suggestion, if I
15 may.

16 CHAIRPERSON SANGHVI: Go ahead.

17 MR. COMPO: My suggestion would be future, if
18 I continue to build ranches -- which I certainly hope
19 to be able to do so. The grand opening for the real
20 estate and all that was actually today. We have only
21 have a foundation in the ground including the
22 foundation of the lanai. It's our next home to frame
23 so I was glad to be able to get this granted -- or get

1 into this meeting before I started framing it so I
2 don't bring the roof if I can't have one.

3 But I would probably want to go back to
4 Randy Rutheimer (ph), the developer, and possibly ask,
5 "Hey, can we get this square footage to 2800? Take it,
6 like, 50 feet down and I can make it work on --" again,
7 I think these are pretty much the smallest lots. This
8 is lot 13, lucky 13 on Dunhill Drive as you come in.
9 So I think doing that and just trimming the garage a
10 little bit I'll make the 2800 work. But it's going to
11 mean he's going he has to amend this from 2850 to 28.
12 So 50 square feet, which you won't notice really in the
13 house, but ...

14 MEMBER GRONACHAN: So you want to table it at
15 this time; is that what you're saying?

16 MR. COMPO: No.

17 MEMBER GRONACHAN: Or you want to go with
18 this one and the other ones you can adjust?

19 MR. COMPO: Go with this one. The foundation
20 is in and I can't change it now.

21 MEMBER GRONACHAN: Okay. I understand.

22 MR. COMPO: But going in the future, to
23 really go to your future point, we don't want to start

1 granting one percent variances, all of us.

2 And, again, it would definitely work on other
3 lots. I just wasn't aware of it because I didn't do
4 the math. I thought, "This is no problem."

5 It was the smallest ranch I could possibly do
6 with the square footage of the garage that I need to
7 have. I didn't know until Chris and Larry were, like,
8 "I just did the math and it's right there."

9 I thought, "Oh, shoot."

10 So that's why I'm here.

11 MEMBER GRONACHAN: Thank you.

12 CHAIRPERSON SANGHVI: Go ahead.

13 MEMBER KRIEGER: I can also agree if it's
14 just this one lot. Because of topography, as
15 previously mentioned, that -- and then you can work it
16 out with the other homes. Then that would be fine, I
17 agree.

18 CHAIRPERSON SANGHVI: Yes, Mr. Secretary?

19 MEMBER FERRELL: But we can't have them agree
20 to that today for this?

21 MS. SAARELA: Well, no. That's not really
22 something that would be part of this variance. But I
23 think it's -- you know, it was mentioned that this

1 could be a problem. You're responding that the
2 intention is not to start, you know, setting a
3 precedent for others.

4 MEMBER GRONACHAN: I'm certainly allowed to
5 bring that up in the discussion.

6 MS. SAARELA: But I don't think that would
7 necessarily be part of the motion.

8 MEMBER GRONACHAN: No.

9 MEMBER FERRELL: So hold on a second. My
10 question wasn't if she was allowed to bring it up in
11 the motion. My question was is that if we make a
12 motion --

13 MS. SAARELA: It wouldn't be part of the
14 motion, no.

15 MEMBER FERRELL: Okay. I just wanted to
16 clarify that.

17 CHAIRPERSON SANGHVI: Okay. All right.
18 Anybody making a motion?

19 MEMBER GRONACHAN: I've got my quota for the
20 night.

21 CHAIRPERSON GRONACHAN: You've got your quota
22 for the night. Okay.

23 MEMBER FERRELL: I'll take it since she has

1 her quota.

2 I move that we grant the variance in case
3 number PZ17-0048 sought by the petitioner for an
4 increase of lot coverage by one percent to 26
5 percent -- and 25 percent is allowed -- because the
6 petitioner has shown practical and difficulties
7 requiring the increase to 26 percent.

8 Without the variance, the petitioner will be
9 unreasonably prevented or limited with respect to the
10 use of the property. The property is unique because
11 the lot has a smaller shape on one end than the other.
12 The petitioner did not create the condition due to the
13 lot sizes and shapes. The relief granted will not
14 unreasonably interfere with adjacent or surrounding
15 properties as there were no objections. The relief is
16 consistent with the spirit and intent of the ordinance.

17 CHAIRPERSON SANGHVI: Thank you.

18 MEMBER GRONACHAN: Second.

19 CHAIRPERSON SANGHVI: The motion has been
20 made and seconded. Any further discussion?

21 Yes, Ms. Krieger?

22 MEMBER KRIEGER: A friendly amendment to add
23 the -- did you say the topography in this particular

1 case, that we can approve it?

2 MEMBER FERRELL: Well, wouldn't that be what
3 I was just talking about?

4 MS. SAARELA: That would be the practical
5 difficulty.

6 MEMBER KRIEGER: Yes.

7 MEMBER FERRELL: Is that the topography, the
8 shape?

9 MEMBER KRIEGER: Okay. That's it.

10 MEMBER FERRELL: All right. Can you second
11 that?

12 MEMBER GRONACHAN: Oh, second the friendly
13 amendment. Sorry.

14 CHAIRPERSON SANGHVI: Now you may call the
15 roll. Thank you.

16 MS. OPPERMAN: Member Ferrell?

17 MEMBER FERRELL: Yes.

18 MS. OPPERMAN: Member Gronachan?

19 MEMBER GRONACHAN: Yes.

20 MS. OPPERMAN: Member Krieger?

21 MEMBER KRIEGER: Yes.

22 MS. OPPERMAN: Member Peddiboyina?

23 MEMBER PEDDIBOYINA: Yes.

1 MS. OPPERMAN: And Chairperson Sanghvi?

2 CHAIRPERSON SANGHVI: Yes.

3 MS. OPPERMAN: Motion passes.

4 CHAIRPERSON SANGHVI: Thank you.

5 MR. COMPO: Thank you so much for supporting
6 this. I appreciate it.

7 MEMBER GRONACHAN: Good luck out there.

8 MR. COMPO: Thank you.

9 CHAIRPERSON SANGHVI: All right. Moving on
10 to the next case PZ17-0052. Armenian Community Center
11 and Mr. C.G. Pappas. 41090 Twelve Mile Road, east of
12 Meadowbrook Road and north of Twelve Mile Road, parcel
13 number 50-22-12-351-028 slash 30 slash 34 slash 36.

14 The applicant is requesting a variance from
15 the City of Novi Zoning Ordinance section 4.19.2.F for
16 the proposed location of the dumpster in the side yard.
17 The property is zoned residential acreage.

18 All right, sir. Please identify yourself
19 with your name and address and if you are not an
20 attorney, please be sworn in by our secretary.

21 MR. PAPPAS: Thank you, Mr. Chairman. My
22 name is Constantine Pappas, architect for the Armenian
23 Community Center. The address is 1025 South Washington

1 in Royal Oak, Michigan.

2 MEMBER FERRELL: Are you an attorney?

3 MR. PAPPAS: No.

4 MEMBER FERRELL: Okay. Do you swear to tell
5 the truth in this case?

6 MR. PAPPAS: Yes.

7 MEMBER FERRELL: Thank you.

8 CHAIRPERSON SANGHVI: Please go ahead.

9 MEMBER FERRELL: With me today is Mr. Rafi
10 Orleane (ph). He is the chairman of the Armenian
11 Community Center. Back in October we received the
12 preliminary site plan approval from the Planning
13 Commission to build a new Armenian Community Center and
14 future church, which you see the plan up in front of
15 you. Right now the owner is located in Dearborn and
16 there's a lot of changing situations in Dearborn, which
17 kind of forced the community to come up into Novi.

18 They own the parcel. They've owned the
19 parcel for a number of years. This variance is brought
20 before you to try to make it a little bit easier for
21 the people who are in the center, as well as some
22 extreme topographical situations on the site. From the
23 back of the site, it actually slopes itself all the way

1 down into this potential retention area. We are
2 planning -- we would like, if you would consider, to
3 relocate the dumpster, which would be in the very back.
4 It would be located approximately in this general area.
5 That is the requirement of having it, I believe, in the
6 rear of the yard. And we would like to move it from
7 back here to this location right into this area.

8 This is our temporary church and fellowship
9 hall. And, basically, this is where the majority of
10 all the trash will be generated. What we would like to
11 do is be able to locate it here, so it is very close
12 proximity. If it were located back in this spot, we're
13 approximately 17 feet higher from where this building
14 is at all the way to the very back.

15 Also, at the same time, it would be from this
16 location all the way to the back, over 300 feet away.
17 Longer than a football field.

18 By bringing it in this general location,
19 everything along that whole side yard -- by the way,
20 all that stuff along the east, the setback along the
21 east, which is 35 feet, is just massed with existing
22 trees. And the ordinance requires us to plant
23 additional landscaping all along that whole area.

1 We're taking it one step further, by the way, and we
2 actually have come to an agreement of planting even
3 more landscaping on the residents' property, which is
4 in this area.

5 There's a screen wall all along this side.
6 The entire dumpster, which is in this area, is
7 completely screened with brick. There's a tremendous
8 amount of landscaping in the very front, which is in
9 this area. So, basically, anybody who drives in along
10 Twelve Mile cannot really see this at all because it's
11 completely screened. By placing it into this area,
12 anybody who would drive through, would be able to see
13 the dumpster instantly.

14 Our feeling is that the closer it is, the
15 more that we're going to pay attention to its
16 cleanliness, make sure trash is not thrown all over the
17 place. And one of the other reasons is that we have a
18 parking lot here. This parking lot is used to allow us
19 to come into the building, which we would categorize as
20 our east entry. So the closer it is, the better we
21 think it's going to be maintained. The better
22 functionally we think it is.

23 And we've talked to all the residents. We've

1 had three meetings with the residents for this entire
2 project. None of them had an issue with this, from
3 what we can see. Now, I don't know if anybody sent
4 anything in, I have no idea. But that kind of gives
5 you the idea of the variance that we're asking for, is
6 to build the trash enclosure in the side yard in lieu
7 of the rear yard.

8 CHAIRPERSON SANGHVI: Thank you.

9 MR. PAPPAS: Thank you.

10 CHAIRPERSON SANGHVI: Is there anybody in the
11 audience who would like to make a comment about this
12 case?

13 Seeing none. We'll close the public remark
14 section.

15 Mr. Butler?

16 MR. BUTLER: We did look at it, the side
17 yard. They did a very well -- good design on the
18 enclosures with the six-foot high fence with the brick
19 and the vinyl slats and the screen gate that goes on
20 the front. So it is pretty much not seen by the public
21 unless you know exactly what you're looking for.

22 CHAIRPERSON SANGHVI: Thank you.

23 Mr. Secretary?

1 MEMBER FERRELL: Yes, Mr. Chair, there were
2 21 letters mailed, zero returned, zero approvals and
3 zero objections.

4 CHAIRPERSON SANGHVI: Very good. Yes, I like
5 your idea about moving it out near the parking lot and
6 easy access to the street.

7 MR. PAPPAS: Thank you.

8 CHAIRPERSON SANGHVI: Thank you. I'll open
9 it up the floor.

10 Yes, Ms. Krieger?

11 MEMBER KRIEGER: You have a very nice
12 presentation and that, yes, as you explained that it's
13 going to be too far and too high to go to the back,
14 which would affect neighbors, potentially. And then
15 the enclosure with the landscaping you said. So I can
16 support this.

17 MR. PAPPAS: Yeah. One of the things that
18 we're also talking, you know, the further away it is,
19 you don't have a complete control over everything
20 that's being thrown in that trash. Do you know they're
21 going to throw it in? You don't know unless people are
22 seeing it. You know, we don't want to be in a
23 standpoint of having trash thrown all over the place

1 being in the back. At least where we're proposing it,
2 we can see it and pay attention to it. I think that's
3 the most important thing.

4 MEMBER KRIEGER: Thank you.

5 MR. PAPPAS: Thank you.

6 CHAIRPERSON SANGHVI: Thank you. Anybody
7 else?

8 Yes, Mr. Peddiboyina?

9 MEMBER PEDDIBOYINA: Yes. I give it to you.
10 It's a nice presentation and I have no objections on it
11 and I approve it.

12 CHAIRPERSON SANGHVI: Thank you. I will
13 entertain a motion if there is no further discussion.
14 Go ahead, Ms. Krieger.

15 MEMBER KRIEGER: I move that we grant the
16 variance in case number PZ17-0052 for the Armenian
17 Community Center with Mr. Pappas on Twelve Mile Road,
18 east of Meadowbrook and north of Twelve, that the
19 petitioner has shown through the presentation the
20 change of where the proposal for the dumpster should be
21 in the side yard that it is more ...

22 MEMBER KRIEGER: Practical.

23 MEMBER KRIEGER: Yes. More practical.

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Thank you.

To the side yard. That without the variance, the petitioner will unreasonably be prevented or limited with respect to the use of the property because, as they stated, that the trash will be farther away and harder to maintain, whereas closer to the parking lot and with this enclosure that they can monitor it better.

It's unique because of the topography and height change as they progress to the rear of the lot. The petitioner did not create the condition because it is pre-existing. The relief granted will not unreasonably interfere with the adjacent or surrounding properties because of the already standing landscaping plus what they are going to add to that. And the relief is consistent with the spirit and intent of the ordinance for the City.

MEMBER FERRELL: Second.

CHAIRPERSON SANGHVI: Motion has been made and seconded.

Is there any further discussion?

Seeing none. Madame Secretary, please call roll.

1 MS. OPPERMAN: Member Ferrell?

2 MEMBER FERRELL: Yes.

3 MS. OPPERMAN: Member Gronachan?

4 MEMBER GRONACHAN: Yes.

5 MS. OPPERMAN: Member Krieger?

6 MEMBER KRIEGER: Yes.

7 MS. OPPERMAN: Member Peddiboyina?

8 MEMBER PEDDIBOYINA: Yes.

9 MS. OPPERMAN: And Chairperson Sanghvi?

10 CHAIRPERSON SANGHVI: Yes.

11 MS. OPPERMAN: Motion passes.

12 MR. PAPPAS: Thank you very much. We'd like
13 to thank everybody in the city departments throughout
14 this whole process. They've been incredible. That's
15 all.

16 CHAIRPERSON SANGHVI: Welcome to Novi.

17 MEMBER GRONACHAN: Welcome to Novi.

18 MR. PAPPAS: Thank you. We're very excited.

19 MEMBER GRONACHAN: When will you be
20 completed?

21 MR. PAPPAS: Well, we're going to try to get
22 going on breaking ground in spring, hopefully.

23 MEMBER GRONACHAN: All right.

1 MR. PAPPAS: That's our idea.

2 MEMBER GRONACHAN: Okay.

3 MR. PAPPAS: Thank you so much.

4 MEMBER GRONACHAN: Congratulations. You're
5 welcome. Good luck.

6 CHAIRPERSON SANGHVI: Moving on to the next
7 case, PZ17-0053, Coy Construction, Inc. 25863 Arcadia
8 Drive, west of Taft Road and south of Eleven Mile Road.
9 Parcel number 50-22-21-202-005. The applicant is
10 requesting a variance from the City of Novi Zoning
11 ordinance 3.1.2 for a proposed four foot reduced rear
12 yard setback to 31 feet to build a 17-foot-deep
13 screened-in porch and 35 feet minimum required by code.
14 This property is zoned Single Family Residential.

15 And please identify yourself, your name and
16 address. And if you are not an attorney, be sworn in
17 by our secretary and then make your presentation.

18 MR. SAFERIAN: Yes, sir. My name is Richard
19 Saferian. It's S-a-f-e-r-i-a-n. I'm here
20 representing Coy Construction and Mr. --

21 MEMBER FERRELL: Hold on a second. You need
22 to be sworn in first.

23 MR. SAFERIAN: Sorry about that.

1 MEMBER FERRELL: Raise your right hand. Do
2 you swear to tell the truth in this case?

3 MR. SAFERIAN: Yes, sir.

4 MEMBER FERRELL: Okay, go ahead.

5 MR. SAFERIAN: I'm here representing Coy
6 Construction and Mr. and Mrs. Orbain at 25863 Arcadia
7 Drive. As the chairman said, we are looking for a
8 four-foot variance on the rear setback.

9 Mr. and Mrs. Orbain came to us, recently
10 acquired this home. Mrs. Orbain actually has severe
11 allergy to beets (ph). As you see from the pictures we
12 provided, there's no really rear backyard living space.
13 There's the patio, but as you can see in kind of this
14 picture here that we provided as well, just some severe
15 kind of overgrowth from before. You got the trees,
16 plants.

17 So what we're looking to do is kind of tear
18 out this fence here and build a screened porch in that
19 same area, as well as a deck going on the side. Why we
20 want the 17 feet is really -- we're just looking for a
21 nice livable space. Somewhere that she can put a nice
22 table and chairs, go out and enjoy her backyard without
23 being interfered and sitting outside and worrying about

1 the outside elements.

2 Really, we feel that 17 feet allows for a
3 nice space for, like I said, some outdoor living area
4 where other people can kind of be with her and walk
5 around.

6 And really that's our main thing that we are
7 presenting. We know that we are encroaching on the lot
8 line; however, we just feel she -- she expressed to us
9 and they did when they came to us that that's what they
10 were looking for, was a nice outdoor space for her.
11 Somewhere that she can be comfortable and not really
12 worry too much about being outside with her family.

13 CHAIRPERSON SANGHVI: Thank you.

14 Is there anybody in the audience who would
15 like to make a comment about this case?

16 Seeing none. I close the public remarks.

17 Mr. Butler?

18 MR. BUTLER: No comment.

19 CHAIRPERSON SANGHVI: No comment, very good.

20 Mr. Secretary?

21 MEMBER FERRELL: Yes, Mr. Chair, 16 letters
22 mailed, zero letters returned, two approvals, zero
23 objections.

1 CHAIRPERSON SANGHVI: Very good. Thank you.

2 MEMBER FERRELL: Hold on. The first approval
3 is by Tim and Jenny Bell, 25882 Venetian Court,
4 V-e-n-e-t-i-a-n, Court. Just an approval.

5 And the other one is from Dave and Cindy
6 Webster, W-e-b-s-t-e-r, at 25841 Arcadia Drive.

7 "This email is in regards to the variance
8 requested by Lisa and Rich Orbain."

9 MR. SAFERIAN: Orbain.

10 MEMBER FERRELL: Sorry.

11 "We are the immediate neighbors and their
12 foremost affected by request. We support the request
13 for the variance."

14 CHAIRPERSON SANGHVI: Thank you.

15 The only question I have: Do they have a
16 homeowner's association?

17 MR. SAFERIAN: I believe -- to be honest with
18 you, sir, I'm not positive. But if there is, we always
19 go through and get their approval before we do
20 anything.

21 CHAIRPERSON SANGHVI: Okay. Thank you.

22 I'll open it up to the board.

23 Yes, Ms. Krieger?

1 MEMBER KRIEGER: Question: Are there
2 easements like small drainage or electrical?

3 MR. SAFERIAN: No. Just the rear setback.

4 MEMBER KRIEGER: Then I can understand the
5 need for an enclosed area in the summer with the
6 pollens. So having a medical condition, I can
7 understand this variance.

8 CHAIRPERSON SANGHVI: Yes, Ms. Gronachan, any
9 motions?

10 MEMBER GRONACHAN: You mispronounced my last
11 name. It's Gronachan.

12 CHAIRPERSON SANGHVI: I'm sorry.

13 MEMBER GRONACHAN: I know I'm the newest
14 member.

15 So this is a pie-shaped lot, correct?

16 MR. SAFERIAN: Yeah.

17 MEMBER KRIEGER: It's not a square. And
18 that's where you're running into your problem?

19 MR. SAFERIAN: Correct.

20 MEMBER KRIEGER: So it's really the unique
21 size of the lot. It's not that big of a room that
22 you're building, correct?

23 MR. SAFERIAN: Yeah.

1 MEMBER GRONACHAN: So I think that given the
2 size of the lot and the shape and given the allergies,
3 and it's Michigan and weather, and the growth that you
4 have there, I'm in full support and have no problem
5 with it.

6 MR. SAFERIAN: Thank you.

7 MEMBER GRONACHAN: And I'll be supporting
8 your request.

9 MR. SAFERIAN: Thank you very much.

10 CHAIRPERSON SANGHVI: Yes. And the ordinance
11 in the back.

12 MEMBER GRONACHAN: Well, I said the
13 overgrowth.

14 CHAIRPERSON SANGHVI: Okay. Very good.
15 Thank you.

16 Anybody else?

17 MEMBER PEDDIBOYINA: I have a question,
18 Chairperson Sanghvi. Without the homeowner's
19 association approval, can we do this one?

20 MS. SAARELA: I don't know if there is a
21 homeowner's association.

22 Do we know if there is one?

23 MR. BUTLER: No.

1 MS. SAARELA: There may not be one.

2 MEMBER PEDDIBOYINA: I have no objection
3 then. Thank you.

4 MEMBER GRONACHAN: Is that a motion?

5 CHAIRPERSON SANGHVI: It can be.

6 MEMBER KRIEGER: Well, I thought you were
7 motioning.

8 MEMBER GRONACHAN: Again? I'm out of
9 retirement already.

10 CHAIRPERSON SANGHVI: Go ahead.

11 MEMBER GRONACHAN: I changed my last name and
12 now I came back as a new person.

13 CHAIRPERSON SANGHVI: Yes, Ms. Gronachan.

14 MEMBER GRONACHAN: So my quota has been
15 excelled.

16 In case number -- wait. Let me go back and
17 redo that.

18 I move that we grant the variance in case
19 number PZ17-0053 at 25863 Arcadia Drive, west of Taft
20 and south of Eleven Mile sought by the petitioner for a
21 request of a four-foot variance for a 17-foot deep
22 screened-in porch with 35 feet minimum required by
23 code.

1 Because the petitioner has shown practical
2 difficulty requiring -- I'm sorry. Because the
3 petitioner has shown a practical difficulty due to the
4 lot, size and shape. Also the wooded area surrounding
5 the home, without the variance, the petitioner would be
6 unreasonably prevented or limited with respect to the
7 use of the property because, again, given the odd shape
8 of the lot and the wooded area behind it and the
9 medical condition that the homeowner is experiencing
10 with allergies. The property is unique because of the
11 wooded area and the petitioner did not create the
12 condition, given the lot size.

13 Relief granted will not unreasonably
14 interfere with adjacent or surrounding properties based
15 on the letters of approval that are on file. And the
16 relief is consistent with the spirit and intent of the
17 ordinance because it is a minimum request and,
18 therefore, I move that we grant this variance.

19 MEMBER KRIEGER: Second.

20 CHAIRPERSON SANGHVI: A motion has been made
21 and seconded. Any further discussion?

22 Seeing none. Madame Secretary, please call
23 the roll.

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MS. OPPERMAN: Member Ferrell?

MEMBER FERRELL: Yes.

MS. OPPERMAN: Member Gronachan?

MEMBER GRONACHAN: Yes.

MS. OPPERMAN: Member Krieger?

MEMBER KRIEGER: Yes.

MS. OPPERMAN: Member Peddiboyina?

MEMBER PEDDIBOYINA: Yes.

MS. OPPERMAN: And Chairperson Sanghvi?

CHAIRPERSON SANGHVI: Yes.

MS. OPPERMAN: Motion passes.

MEMBER KRIEGER: Congratulations.

MR. SAFERIAN: Thank you, guys. I appreciate your time and hope you guys have a great day.

MEMBER GRONACHAN: Good luck. I hope the weather holds.

CHAIRPERSON SANGHVI: Next case. PZ17-0054, Intercity Neon, Panera Bread. 25875 Novi Road, Suite 100, west of Novi Road and south of Grand River Avenue. Parcel number 50-22-22-227-029. The applicant is requesting a variance from the City of Novi Code of Ordinance section 28-5.E.1 for the proposed installation of a building mounted projecting sign and

1 one pedestrian projecting sign allowed by code. This
2 property is zoned Town Center-1.

3 Please identify yourself with your name and
4 address and if you're not an attorney, please be sworn
5 in by our secretary. Thank you.

6 MS. HOLKE: My name is Donna Holke and I am
7 with Intercity Neon. 23920 Amber, Warren, Michigan.

8 MEMBER FERRELL: Do you swear to tell the
9 truth in this case?

10 MS. HOLKE: I do.

11 MEMBER FERRELL: Go ahead.

12 MS. HOLKE: I'm here on behalf of Panera
13 Bread. We're requesting -- basically, our request is
14 for an additional sign. They want to put up a blade
15 sign at their location. It was recently -- they just
16 remodeled it. It's got all new illuminated signs.
17 They recovered the awnings. And this is part of their
18 new design with this blade sign and it meets the
19 requirements of the City with the stylish bracket that
20 they have on it.

21 So the way this building goes, they're kind
22 of tucked back in the corner and their building keeps
23 setting back, and it's a crazy parking lot. So the

1 more signage there, the more people can find where
2 they're supposed to go to get inside. Our big issue is
3 just the property, the odd shape of the property and
4 the building itself, which is not anything that they
5 caused.

6 It wouldn't cause any problems with anybody
7 else there. It just makes it easier for the
8 pedestrians around to find their way in inside the
9 store.

10 CHAIRPERSON SANGHVI: Thank you. Anybody in
11 the audience who would like to make a comment?

12 Seeing none.

13 Mr. Butler, any comments?

14 MR. BUTLER: No comments.

15 CHAIRPERSON SANGHVI: Thank you.

16 Mr. Secretary?

17 MEMBER FERRELL: Yes, Mr. Chair. There was
18 43 letters mailed, two letters returned, zero approvals
19 and zero objections.

20 CHAIRPERSON SANGHVI: Thank you.

21 I just have one question. What you have got
22 there now is it a mock-up or is it the real sign?

23 MS. HOLKE: Pardon me?

1 CHAIRPERSON SANGHVI: On the wall?

2 MS. HOLKE: Oh, no. It's not the real sign.
3 The real sign will be thicker. The one we have there
4 is just Sintra plastic and it was an old rod iron.
5 Even the bracket is not the right bracket. It just is
6 to show you that it was going to be a rod iron
7 bracket.

8 CHAIRPERSON SANGHVI: Okay. Thank you.
9 Open to the board.

10 MEMBER FERRELL: Mr. Chair?

11 CHAIRPERSON SANGHVI: Yes, Mr. Ferrell?

12 MEMBER FERRELL: You said you guys want the
13 sign to show the entrance to the building. Because
14 isn't the entrance underneath the Panera Bread sign,
15 like the big sign? From the sketch I'm looking at.

16 CHAIRPERSON SANGHVI: The entrance is facing
17 west.

18 MS. HOLKE: Yeah. But if you're coming from
19 the other way, you can't see that sign.

20 MEMBER FERRELL: Coming from which way?

21 MS. HOLKE: If you're coming from ...

22 MEMBER GRONACHAN: The north.

23 MS. HOLKE: Well, actually, either way. You

1 know, because you're driving parallel to the building.
2 But if you're coming back from over by the drive-thru,
3 then you know that -- there's a sign -- let's see. I
4 was there today.

5 MEMBER FERRELL: So there's two signs?

6 MS. HOLKE: There's two signs there.

7 MEMBER FERRELL: There's going to be one on
8 the side of the drive-thru and then there's one on the
9 front of the building?

10 MS. HOLKE: Right.

11 MEMBER FERRELL: So you have a third sign
12 that sticks out?

13 MS. HOLKE: Right.

14 MEMBER FERRELL: So I kind of have an issue
15 with that. Because I feel like if you're on Novi Road,
16 you'll still see the building. You know that Panera
17 Bread is there because you can see the sign that is in
18 the front, right, facing the west? And then you'll see
19 the one that is facing the north.

20 So what is this third sign going to do?
21 There's another entrance on that side? Is that ...

22 MS. HOLKE: I don't think there is an
23 entrance on that side. Because that's where the

1 drive-thru is.

2 MEMBER GRONACHAN: Isn't the drive-thru in
3 the back?

4 MS. CARR: Can I?

5 MEMBER GRONACHAN: Are you with Panera?

6 MS. CARR: Yes. I'm the general manager.

7 MS. HOLKE: She knows. She knows the
8 logistics of the store.

9 MS. CARR: Yeah.

10 MEMBER KRIEGR: Is she going to be sworn in?

11 CHAIRPERSON SANGHVI: Excuse me, please
12 identify yourself with your name and address and then
13 go ahead.

14 MS. CARR: Christin Carr, 417 Anaconda
15 Street, Commerce Township.

16 MEMBER FERRELL: Go ahead and raise your
17 right hand.

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

19 MS. CARR: Yes.

20 MEMBER FERRELL: Okay. Go ahead.

21 MS. CARR: It's a pedestrian level sign with
22 our logo is what we're looking to add. So there are
23 the two entries and there's the two big neons that are

1 up really high. So this is a pedestrian-level sign
2 with a logo.

3 Because of our parking, people do park way in
4 one direction, way in another direction. And it's just
5 that sort of --

6 MEMBER FERRELL: So is there still an
7 entrance on the side where, I guess, it used to be kind
8 of?

9 MS. CARR: There's still both entrances over
10 there.

11 MEMBER FERRELL: Okay. I guess maybe I was
12 confused with the pictures.

13 MS. CARR: And with the remodel, there's new
14 patio furniture. There's a new wall. It's like the
15 biggest remodel in the world for Panera right now. So
16 it's a very different look from our 20-year-old. We
17 have our 20-year anniversary this week at Panera, so
18 it's a very different look. And the sign is just --
19 again, with our logo the neon is just the Panera Bread.
20 They typed, you know, way up there neons.

21 MEMBER FERRELL: Okay. Thank you.

22 MEMBER PEDDIBOYINA: This sign you're looking
23 on the diagram to Novi Road, the second sign, I'm

1 confused about that.

2 MEMBER FERRELL: Maybe I can answer your
3 question.

4 MEMBER GRONACHAN: Do you have a diagram?

5 MEMBER FERRELL: Yeah. Do you have anything
6 with you that you can put up?

7 MS. HOLKE: Showing the sign?

8 MEMBER GRONACHAN: On where the sign would
9 be.

10 MS. HOLKE: This is where the sign is going
11 to go.

12 MEMBER GRONACHAN: It's different than our
13 diagram is.

14 MS. HOLKE: And here's the drive-thru.

15 MEMBER GRONACHAN: That's what I was
16 thinking. Okay.

17 MEMBER PEDDIBOYINA: And everybody knows the
18 Panera bread in Novi.

19 Okay. Thank you. I have no objections.

20 MS. CARR: I think one of your board members
21 who isn't present gets delivery five days a week. I
22 recognized his name as soon as I saw it.

23 MEMBER KRIEGER: Oh, wow.

1 MS. CARR: So, hello, Thomas? Where are you?
2 You're supposed to have my back here.

3 MEMBER FERRELL: That's hilarious.

4 MEMBER KRIEGER: And he's not here and he
5 didn't bring anybody anything.

6 MS. CARR: Hello?

7 MEMBER PEDDIBOYINA: Mr. Chairman, I have no
8 objections.

9 CHAIRMAN SANGHVI: Okay. Thank you.

10 MR. BUTLER: Mr. Chairman?

11 CHAIRMAN SANGHVI: Yes.

12 MR. BUTLER: I just wanted to make a note.
13 That sign, the reason it's called a projection
14 pedestrian sign is it's mainly for pedestrians walking
15 through the parking lot to see their sign. That's why
16 it's called a pedestrian protruding sign. So it makes
17 it easier as they get out of that south parking lot of
18 their vehicle that's the first thing they see, that
19 sign as they're walking towards the door there.

20 CHAIRPERSON SANGHVI: Thank you.

21 MR. BUTLER: You're welcome.

22 CHAIRPERSON SANGHVI: Yes, Ms. Gronachan?

23 MEMBER GRONACHAN: I'm in your parking lot a

1 lot.

2 MS. CARR: Oh, you feel the pain.

3 MEMBER GRONACHAN: I understand your pain. I
4 don't know if six signs would help you. So I'm glad
5 that you pointed out that it's a pedestrian sign. And
6 I want to help you out with the logistics a little bit.

7 You were doing well by saying that the way
8 lot is angled -- it's on an angle, number one. And
9 it's very stretched out. I don't even know the length
10 of that building and the number of stores that are in
11 it. And the way the traffic comes in, you can come in
12 from the north off Grand River. You can come in off of
13 Novi Road. You can come in off the side street. So
14 there's several different entrances into this parking
15 lot, number one.

16 MS. CARR: Right.

17 MEMBER GRONACHAN: And the uniqueness and the
18 shape of this lot is a challenge for all the business
19 owners, not just yourselves.

20 MS. CARR: Oh, our neighbors love us.

21 MEMBER GRONACHAN: Yeah. I'm sure they do.

22 But I want to clarify for the record that
23 this isn't just for coming in off the street. Because

1 you could park at one end and walk a long way to get to
2 Panera. That's why this sign is so important. So I
3 think that that was what -- the point you were trying
4 to make and I'm in full agreement of that.

5 The other thing is that the visibility.
6 Because of the way the lot is, you can't see the store
7 at the end.

8 MS. CARR: Right.

9 MEMBER GRONACHAN: You know, like in some of
10 the shopping malls when you're walking around, you know
11 if you're at Kroger, Home Depot is at the other end.
12 It's not that visible in this.

13 MS. CARR: Right.

14 MEMBER GRONACHAN: And again, it's because of
15 the uniqueness of the lot and the shape and, my
16 favorite word for the night, topography. Because there
17 is a kind of hill there and it makes visibility very
18 difficult. So, given all of those challenges, I would
19 be in support, and I'm not normally. So I'm in support
20 of this. Because you truly have a hardship.

21 MS. CARR: Thank you.

22 MEMBER GRONACHAN: So I will be supporting
23 you.

1 MS. CARR: Thank you. You've been there, I
2 see.

3 MS. CARR: Yes, I have.

4 CHAIRPERSON SANGHVI: Anybody else?

5 I don't remember seeing the corporate logo
6 before, that sign you are going to add, the slanting
7 sign you're going to make. This is a new thing, having
8 the corporate logo there?

9 MS. CARR: Our old neons didn't have them on
10 there and the new ones don't either. They awnings
11 don't have them. There were very outdated.

12 MS. HOLKE: But they are used in other
13 cities. They do have that, the mother logo.

14 CHAIRPERSON SANGHVI: Any further discussion?
15 May I have a motion?

16 MEMBER KRIEGER: Joe's turn.

17 MEMBER FERRELL: Do you want to do it, Joe?

18 MEMBER PEDDIBOYINA: No.

19 MEMBER FERRELL: I'll do it.

20 I move that we grant the variance in case
21 number PZ17-0054 sought by the petitioner for a mounted
22 projecting pedestrian sign because the petitioner has
23 shown practical difficulty due to the lot shape and

1 difficulty seeing. Without the variance the petitioner
2 would be unreasonably prevented or limited with respect
3 to use of the property due to the shape of the parking
4 lot and how difficult it is to, I guess, see the
5 entrance of the building.

6 The property is unique because of the shape
7 of the lot. The petitioner did not create the
8 condition. Again, due to the design and how the lot
9 was designed. The relief granted will not unreasonably
10 interfere with adjacent or surrounding properties, as
11 there were no objections. The relief is consistent
12 with the spirit and intent of the ordinance and it's a
13 minimal request to aid in the visibility of the
14 business for the entrance to said business.

15 MEMBER GRONACHAN: Second.

16 CHAIRPERSON SANGHVI: Motion has been made
17 and seconded.

18 If there is no further discussion, Madame
19 Secretary, please call the roll.

20 MS. OPPERMAN: Member Ferrell?

21 MEMBER FERRELL: Yes.

22 MS. OPPERMAN: Member Gronachan?

23 MEMBER GRONACHAN: Yes.

1 MS. OPPERMAN: Member Krieger?

2 MEMBER KRIEGER: Yes.

3 MS. OPPERMAN: Member Peddiboyina?

4 MEMBER PEDDIBOYINA: Yes.

5 MS. OPPERMAN: And Chairperson Sanghvi?

6 CHAIRPERSON SANGHVI: Yes.

7 MS. OPPERMAN: Motion passes.

8 CHAIRPERSON SANGHVI: Okay. Congratulations.

9 Thank you.

10 MS. CARR: Thank you.

11 MEMBER GRONACHAN: You're welcome. See you
12 in the parking lot.

13 MEMBER FERRELL: Yeah. At least now we can
14 see where we're going.

15 CHAIRPERSON SANGHVI: All right. Now that
16 there is no further thing, I would entertain a motion
17 for adjournment.

18 MEMBER FERRELL: So moved.

19 MEMBER GRONACHAN: I have one thing to add.

20 CHAIRPERSON SANGHVI: Okay.

21 MEMBER GRONACHAN: I would just like to wish
22 everybody a happy Thanksgiving.

23 CHAIRPERSON SANGHVI: Thank you. We wish you

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the same.

MEMBER FERRELL: To you as well.

MEMBER PEDDIBOYINA: Thank you. To you as well. To everybody.

CHAIRPERSON SANGHVI: All right. Those in favor of adjournment, say, "Aye."

Aye.

MEMBER KRIEGER: Aye.

MEMBER FERRELL: Aye.

MEMBER PEDDIBOYINA: Aye.

CHAIRPERSON SANGHVI: Meeting is adjourned.

(At 8:28 p.m., matter concluded.)

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C E R T I F I C A T E

STATE OF MICHIGAN)

) ss

COUNTY OF OAKLAND)

I, Darlene K. May, do hereby certify that I have recorded stenographically the proceedings had and testimony taken in the above-entitled matter at the time and place hereinbefore set forth, and I do further certify that the foregoing transcript, consisting of eighty-nine (89) typewritten pages, is a true and correct transcript of my said stenographic notes.

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

November 28, 2017
(Date)