REGULAR MEETING - ZONING BOARD OF APPEALS
CITY OF NOVI
TUESDAY, DECEMBER 10, 2019 7:00 P.M.
Council Chambers | Novi Civic Center | 45175 W. Ten Mile Road

BOARD MEMBERS:

Joe Peddiboyina, Chairperson
Linda Krieger, Secretary
Siddharth Mav Sanghvi
Michael Longo
Kevin Sanker
Ramesh Verma
Clift Monague

ALSO PRESENT:

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

Reported by:

Darlene K. May, Certified Shorthand Reporter
Novi, Michigan

Tuesday, December 10, 2019

7:00 p.m.

CHAIRPERSON PEDDIBOYINA: Good evening. And welcome to the Novi Zoning Board of Appeals, the last meeting of the year 2019.

And please stand up, all of you, and Pledge of Allegiance following Michael.

(Pledge of Allegiance recited.)

CHAIRPERSON PEDDIBOYINA: Thank you.

Kathy, please call roll call, please.

MS. OPPERMAN: Member Byrwa is absent, excused.

Chairperson Peddiboyina?

CHAIRPERSON PEDDIBYONA: Yes, please.

MS. OPPERMAN: Member Krieger?

MEMBER KRIEGER: Here.

MS. OPPERMAN: Member Longo?

MEMBER LONGO: Here.

MS. OPPERMAN: Member Sanker?

MEMBER SANKER: Here.

MS. OPPERMAN: Member Sanghvi?
MEMBER SANGHVI: Yes.

MS. OPPERMAN: Member Montague?

MEMBER MONTAGUE: Here.

MS. OPPERMAN: And Member Verma?

MEMBER VERMA: Here.

CHAIRPERSON PEDDIBOYINA: Okay. Thank you, Katherine. We have a board enough for the quorum for the meeting. And the public hearing format and rules of conduct are you could not have anything and your phones are to be turned off. And we'll have a public hearing when each case is called and anyone can make public remarks.

It is on television at home and people can come to the podium and speak. If there is any overhead, that will show up on the computer for the people at home as well. And that we have the people come to the podium and state their name, first name and last name, for the secretary for the recording and be sworn by our secretary.

And we have an agenda tonight. We have, I think, five cases.

MS. OPPERMAN: Correct.

CHAIRPERSON PEDDIBOYINA: Okay. I don't
think we have an agenda from the last meeting. None?

I mean, the meeting minutes.

MS. OPPERMAN: No. We do not have any
meeting minutes that we received in time.

CHAIRPERSON PEDDIBOYINA: And are there
approval of agenda or adding any changes or any
additions?

Seeing none. Okay.

MEMBER KRIEGER: Move to approve the agenda.

MEMBER VERMA: Second.

CHAIRPERSON PEDDIBOYINA: Okay. Thank you.

And a motion?

MEMBER KRIEGER: All in favor?

CHAIRPERSON PEDDIBOYINA: Say "Aye."

(Board says "Aye" unanimously.)

CHAIRPERSON PEDDIBOYINA: Thank you. We have
an agenda.

And public remarks? Anyone have anything
other than the meeting agenda?

I call one more time for public remark.

Anyone have anything can come to the podium.

CHAIRPERSON KRIEGER: Is that regarding the
case?
MALE SPEAKER: Yup.

CHAIRPERSON PEDDIBOYINA: Not the case.

MEMBER KRIEGER: We'll have you come up during the case. It's anything besides the cases that are tonight.

CHAIRPERSON PEDDIBOYINA: Thank you.

Thank you, Linda.

Okay. And let's move to the first case.

PZ19-0032, North Hills Village Apartments, 44840 North Hills Drive, west of Novi Road and south of Nine Mile Road, parcel 50-22-34-127-003. The applicant is requesting a variance from the City of Novi Zoning Ordinance, Section 5.11.C for a fence with horizontal support boards facing neighboring properties. The code requires that where a fence has finished and an unfinished side, the finished or more decorative side shall face outward to the adjoining property or street.

This property is zoned low-density multiple-family, RM-1.

Is anybody -- please come to the podium.

Please spell your first name and last name for my secretary for the record.

MR. NOEL: That's Richard, R-i-c-h-a-r-d,
MEMBER KRIEGER: Are you an attorney?

MR. NOEL: Pardon?

MEMBER KRIEGER: Are you an attorney?

MR. NOEL: No. We own the property.

MEMBER KRIEGER: All right. Very good. If you could raise your right hand.

Do you swear or affirm to tell the truth in this case?

MR. NOEL: Yes.

MEMBER KRIEGER: Thank you.

CHAIRPERSON PEDDIBOYINA: Thank you. You may proceed in the case.

Yeah. Go ahead.

MR. NOEL: I'm trying to figure out why I'm here. I know you sent something.

MEMBER KRIEGER: We sent a petition for the City regarding what -- you got a notice from the City regarding your fence?

MR. NOEL: Correct.

MEMBER KRIEGER: All right. And you put in some statements why you want to keep your fence so we'd like to hear the presentation because then we can vote
on it.

MR. NOEL: Oh.

MEMBER KRIEGER: And then if you have anything for an overhead that you can put up for the viewers at home and then you can explain your case and we'll go from there.

MR. NOEL: I don't know. I mean, in the summertime I built a new fence around the property again. And it's the exact same fence that was up there when we built the property in '71. It has not changed. The homeowner's side, I put it back exactly the way it was. It was spaced on the fence, and that's how it is today. I haven't changed it.

CHAIRPERSON PEDDIBOYINA: Do you have any pictures for the fence?

MR. NOEL: I turned them in to the girl.

MS. OPPERMAN: (Nods.)

MR. NOEL: On the pictures.

MS. OPPERMAN: They're in the packet.

MEMBER KRIEGER: Can we put one up on the overhead?

MEMBER PEDDIBOYINA: If you can put it up so that people can watch.
(Document displayed.)

CHAIRPERSON PEDDIBOYINA: Thank you, Katherine.

MS. OPPERMAN: Certainly.

MEMBER KRIEGER: You can flip through them and pick which one you want to speak to. Or all of them, if you like.

MR. NOEL: They're pretty much all the same. But the whole -- it's 2800 feet that I put it up and that's exactly how it was in 1971 when we built the project.

CHAIRPERSON PEDDIBOYINA: Okay.

MR. NOEL: I did not change it on the homeowner's side at all. The only reason the side of the apartments was the same way, originally, all I did was make it solid this year. Is the only reason -- and the only reason I did that was because the homeowners, on their side, they never take and cut everything down and everything ends up growing through the fence and it ends up damaging the fence. Which I've had to replace several times. But it's exactly what it was. I haven't changed it.
MEMBER KRIEGER: Did anything in the papers that you received from the City explain about how the fence should be or did you go to the City and ask or did you just put up the fence?

MR. NOEL: No. I had one of the guys come out and we looked at it, one of the guys that worked for the City. And I told him exactly what I was doing and everybody said it was fine, that there wasn't a problem with the way it was going to be. I mean, I didn't change it.

MEMBER KRIEGER: Okay.

MR. NOEL: The only thing I did was actually made it stronger and I put up horizontal board. There was three. I added. Now there's four and I dug the footings deeper so the fence wouldn't rise up and down. So I mean, I made it stronger and better.

CHAIRPERSON PEDDIBOYINA: Okay. Do you want to say anything else apart from that?

MR. NOEL: No. Not really.

CHAIRPERSON PEDDIBOYINA: Okay. Thank you.

Anyone in the audience?

MR. WINTER: Good evening. My name is Peter Winter. I live at 21999 Bedford, which is on the
corner of Bedford and Center. I've been a resident there for 40 years. I was here last time when the petitioner did not appear. I would try to keep myself limited to three minutes. The first thing I'd like to say, I believe this petition is not appropriately before the Board because I believe the person who signed the petition, the first name is Jan. She's not the owner. I believe she's the site manager. I don't know who she is.

But this is a reprint of the City's page from the Assessor's office. It indicates that the owner of the property is Riley Mortgage Group, Incorporated and the taxpayer is North Hills Village Apartments out of Oakland, California.

You have two individuals who signed this application for the petition. I don't think either one of them have the legal authority to do that so I don't think the petitioner is appropriately before the Board.

For the gentleman who's representing the apartments -- and you will notice that this is a multi-million dollar. The taxes they pay are a multi-million dollar amount. When he says he did not change the fence, that's not entirely correct. Because
what he did do -- before what the fence was, it was
interweaved. They were one on one side of the fence
and one on the other. And now one side of the fence is
totally solid, as is depicted here, and that is what we
would call the finished side of the fence. And that's
why he's in violation because that's the finished side
of the fence and that's supposed to be toward the
residences.

This picture depicts my property. And as I
said at last month's hearing, they removed survey
stakes, which I think is a misdemeanor. They did not
clean up the properties after they were through. I
have cement posts that are still on my property. And I
would require -- request the Board to deny his petition
or at least require that the homeowner side be
completed as appropriate.

Thank you.

CHAIRPERSON PEDDIBOYINA: Thank you very
much.

Anyone in the audience, please?

Thank you.

MS. MILLER: Hi. My name is Mary Jo Miller.
I live on Bedford next to this.
I love the fence. I think if you're not going to grant the variance, at least find out what homeowners are not happy and fix their fence. I don't think they need to fix the entire fence. I don't want anybody else coming on my property, stomping on my landscaping and leaving another mess. I am happy with it. It's beautiful. This is a waste of time and money.

THE COURT: Thank you.

Anyone in the audience, please? Final call?

Thank you, seeing none.

Okay. Thank you. Anyone on the board to speak about this case?

MEMBER KRIEGER: City.

CHAIRPERSON PEDDIBOYINA: City?

MR. BUTLER: What I would like to say is, basically, there is nothing in the Code that states that he cannot put slats on the other side of the fence so it's not staggered as it was. What the code does say is the finished side is supposed to be facing the outward properties and that's where he's in violation of. And that would have to be either corrected and he doesn't have to move it on the other side. But if
those are not the finished or the decorative side, then
that fence is not in accordance with the code.

So he would need to make sure that the boards
facing the adjacent property are finished on the
decorative side. He doesn't have to add boards on to
it or anything because the fence was like that, but
they need to be finished on the decorative side.

MEMBER KRIEGER: When was that code made?
MR. BUTLER: That, I couldn't tell you at
this time. That's been in existence for quite a while,
actually.

CHAIRPERSON PEDDIBOYINA: Anything else?
MR. BUTLER: I have nothing else.
CHAIRPERSON PEDDIBOYINA: What --
MR. BUTLER: Excuse me, Chair. I'm sorry.
One last thing. What we did find was there was nothing
that showed the fence as indicating a hardship. Which
is normally the case for a ZBA case. Because if he had
a hardship besides the aesthetics of the fence.
CHAIRPERSON PEDDIBOYINA: All right. Thank
you.

Correspondence, secretary?
MEMBER KRIEGER: There were 55 letters sent.
Zero returned. One approval. Zero objections.

And the objection is: "We object to the variance due to the problems with the side of the fence that faces our property. First, the sawed-off metal support poles are above ground level and were not filled and are visible. Secondly, some vertical boards are crooked and, thirdly, some vertical boards were not secured with nails from joint. Orlech (ph). Bedford Drive."

CHAIRPERSON PEDDIBOYINA: Thank you. Anyone on the board?

Rameesh Verma, do you want to speak?

MEMBER VERMA: Yeah, I wanted to know, do we send over City inspector to inspect?

MR. BUTLER: That would be an ordinance officer who would go out there and look at it. An ordinance officer did go look at the fence.

MEMBER VERMA: He looked at it. And did he say that it was wrong? It was not to code?

MR. BUTLER: What he said was that the decorative side was not facing the adjacent property.

MEMBER VERMA: Did he write it?

MR. BUTLER: He does not give us a report.
He gave us a verbal report on that.

MEMBER VERMA: It should be writing.

MR. BUTLER: That would be --

MEMBER VERMA: It should be writing, given to the person who has the property.

MR. BUTLER: I'm not sure if he wrote him a violation or not.

MEMBER VERMA: Beg your pardon?

MR. BUTLER: I'm not sure if he wrote him a violation or not. We would have to look into that.

MEMBER VERMA: So it's not in the violation, then?

MR. BUTLER: No.

MEMBER VERMA: It's not in the violation?

MR. BUTLER: We do not have a copy of it, if he wrote the violation.

MEMBER VERMA: My question is is it a violation or it's not a violation?

MR. BUTLER: It's a violation of the code that he did not have the outward --

MEMBER VERMA: But the inspector goes there, did he write it?

MR. BUTLER: He did not.
MEMBER VERMA: Yes, ma'am?

MS. SAARELA: So what our normal process for code enforcement would be is you give the person a warning and give them time to correct it. And if they don't correct it, you get a notice first and then you get a written violation that will be turned in to the court. In this case, my understanding is they maybe went out and verbally gave him a warning, gave him a chance to either correct it or apply for a variance.

MEMBER VERMA: So what about when the instruction was given, do we have in the copy here that he did give verbally? For our record?

MR. BUTLER: We do not have a copy of that.

MEMBER VERMA: So why do we not have that? Why that practice is not there?

Mr. President, I think we have to look into our practice ourselves.

CHAIRPERSON PEDDIBOYINA: Okay. Okay, Member Rameesh, anything else you want to say?

MEMBER VERMA: No. Thank you.

CHAIRPERSON PEDDIBOYINA: Thank you.

Anyone else on the board?

Okay, Mav. Go ahead.
MEMBER SANGHVI: May I, Mr. Chair?

I visited this site last month in preparation of the last month's meeting where the applicant was missing in action. But I have seen this fence and to me it is not aesthetically acceptable and I cannot support this variance. Thank you.

CHAIRPERSON PEDDIBOYINA: Thank you very much.

Anyone else on the board, please.

MEMBER SANKER: I have a question.

CHAIRPERSON PEDDIBOYINA: Okay, Mr. Kevin.

MEMBER SANKER: So was the old fence ripped out completely and you built a new one?

MR. NOEL: Yes. That's a brand new fence. I ripped it out completely and put a whole brand new fence, 2800 feet of fence. It cost me a lot of money. If they would like, I can put it back exactly how it was to begin with in '71. I'll take the boards off of my side and stagger the fence just like it was. I don't have a problem with that.

MEMBER SANKER: You just have to turn the fence around.

MR. NOEL: I can't just turn the fence
around. So I can take off boards on my side and stagger it. I can do it exactly just like it was. The only reason I put that on my side was because the homeowners on the other side don't care take care of their landscaping.

There's one section I couldn't even put boards on the other side because it's all -- it's like a forest over there. So that's the only reason I did that. It kept busting the fence out and nobody would replace it. And the homeowner's trees would break, limbs fell down and broke the fence. They never cleaned it up. So it's not me doing it. It's everybody in that whole neighborhood.

I didn't have to put up a brand up in fence. I pay a lot of money over there and take care of that apartment complex. I was there when I built it.

CHAIRPERSON PEDDIBOYINA: Okay. You can stay there, please.

Linda, do you want to say something?

MEMBER KRIEGE: Yes. To the City, I have a question. From what I understand from that area, that it's a regulated woodland and wetland and so that those shrubbery and trees are not to be violated, then it's
also an Edison easement. And I don't know.

Who would -- how would you get permission to clean that or should it be or how it should be treated and in regards it doesn't seem like the verbal -- it sounds like the petitioner is being retaliatory against the neighboring subdivision and homeowners and I need some guidance. Thank you.

MR. BUTLER: The petitioner was advised that his fence was not in accordance with the Code and that's why he was sent for a variance. Sent to ZBA and see if he can get a variance to maintain the fence the way it was. So this is going to be up to the Zoning Board to decide if that fence is per code or not. If it is not per code, either he has to change it and put the slats back on the other side and put it back to where it's supposed to be so it's per code.

MEMBER KRIEGER: But it sounds like the petitioner is going to make this a retaliatory result. So would the City be supervising that?

Yes?

MS. SAARELA: I'm not sure what you mean by that.

MEMBER KRIEGER: He said turning the fence,
pulling out slats. I don't understand what that means with the fence. If the proper side is facing toward the apartments and a code violation is that it's supposed to be facing outward, that the response is --

I don't understand what you're saying.

MS. SAARELA: I think he's saying that he can't put boards on the other side where the property owners are on because there's foliage in the way so he couldn't build over their landscaping so he just put it on the other side.

MEMBER KRIEGER: So he would need a variance --

MS. SAARELA: He would need to get permission from the other property owners to remove their trees or landscaping or whatever so he can put the boards on the other side or at least remove it enough so that he would be able to put boards on the other side.

It sounds like it's going to require removal of some landscaping owned by people other than the petitioner and that he's going to have to ask them can you trim back your bushes or can I trim back your bushes so that I can put wood on this side of the fence. Because the way I'm understanding is that there
is foliage, bushes, trees or whatever touching that other side of the fence right now inhibiting the placement of boards on that side.

MEMBER KRIEGER: But if that's a regulated wetland and woodland, how can those homeowners touch that?

MS. SAARELA: Do we have something that says it's regulated? I haven't seen that as part of the records. Is there a conservation --

MR. NOEL: No. The only thing there is there is a crick that runs along the fence line.

MEMBER KRIEGER: And then I believe there's a drain easement as well that -- how is that kept clear on whichever side from the street?

MS. SAARELA: I haven't seen a drainage easement. I haven't seen a wetland conservation easement. If there are these things that actually exist in the area that he's proposed to do work, we would have to look at that at the time of construction.

But as far as I know, we haven't seen any easements, have we, that conflict with this at this point?

MR. BUTLER: No, I have not.
MR. NOEL: In the southwest corner of the fence, one of the homeowners dug a ditch from their property on to our property and drained their water from their backyard into the parking lot. So during the winter it's all frozen on that side of the parking lot.

MEMBER KRIEGER: The parking lot?

MR. NOEL: Yeah. Our parking lot. I have a drainage that is coming over from that side. You know, so, I mean ...

I try to take care of ours. It is true.

MR. WINTER: That's not true.

MR. NOEL: It is true. Do you want to go over there and see the ditch?

MS. SAARELA: You should probably -- there should be no interaction between the audience.

CHAIRPERSON PEDDIBOYINA: No. No audience interacting, please. Thank you.

Okay. Any other member of the board, please? Seeing none.

Do you want to move a motion?

MEMBER SANKER: So after considering this and hearing all the facts and circumstances, I'll move --
I'm going to move that we deny the variance in case number PZ19-0032 sought by the petitioner for having a finished side facing inward towards his own property because he hasn't shown practical difficulty requiring the variance.

The circumstances and features of the property, including the neighbor's landscaping, are not unique because they generally exist throughout the city. The circumstances and features of the property relating to the variance request are self-created because the petitioner installed the fence incorrectly. The variance would result in interference with the adjacent or surrounding properties because the inward -- or the decorative side is not facing the neighboring property and granting the variance would be inconsistent with the spirit and intent of the ordinance because the current fence as it sits today is built inconsistently with the zoning laws and ordinances.

MEMBER SANGHVI: Second.

CHAIRPERSON PEDDIBOYINA: Okay. Motion and a second.

MEMBER LONGO: I have a question. For the
City, one of his suggestions is if he doesn't get a variance then he may make the fence back the way it was, which is alternating on both sides. That, I assume, would be finished on both sides the same.

MR. BUTLER: That would probably be correct. The finished side on both sides would be the same.

MEMBER LONGO: Rather than go and put more boards on the outside, which is another option, but that is probably what he wants to do. I just want to make sure we understand that.

CHAIRPERSON PEDDIBOYINA: Okay. Katherine, please call the roll call, please.

MS. OPPERMAN: Chairperson Peddiboyina?

CHAIRPERSON PEDDIBOYINA: No.

MS. OPPERMAN: Member Krieger?

MEMBER KRIEGER: Yes.

MS. OPPERMAN: Member Longo?

MEMBER LONGO: I approve the denial.

MS. OPPERMAN: Member Sanghvi?

MEMBER SANGHVI: Yes.

MS. OPPERMAN: Member Sanker?

MEMBER SANKER: Yes.

MS. OPPERMAN: Member Montague?
MEMBER MONTAGUE: Yes.

MS. OPPERMAN: And Member Verma?

MEMBER VERMA: Yes.

MS. OPPERMAN: Motion passes.

CHAIRPERSON PEDDIBOYINA: Thank you.

Okay. Move to the second case, PZ19-0044, Zach G-ie-l-o-w, 623 South Lake Drive, east of West Lake Drive and south of South Lake Drive, parcel 50-22-03-455-001. The applicant is requesting a variance from the City of Novi, Zoning Ordinance Section 5.11.1A.ii to allow the installation of a fence to the property line. Fence shall not extend towards the front of the property nearer than the minimum front yard setback distance, R4 front setback is 30 feet minimum allowed. This property is zoned single family residential, R-4.

Is the applicant -- okay. Please spell your name, first and last name.

MR. GIELOW: Zach Gielow, Z-a-c-h, G-i-e-l-o-w.

MEMBER KRIEGER: Are you an attorney?

MR. GIELOW: Nope.

MEMBER KRIEGER: Can you raise your right
hand.

Do you swear or affirm to tell the truth in this case?

MR. GIELOW: I do.

MEMBER KRIEGER: Thank you.

CHAIRPERSON PEDDIBOYINA: Thank you. You may proceed.

MR. GIELOW: It's another fence issue. Long story short, I bought a house a couple of years ago and I've been renovating it ever since. I'm on the final stages here and part of that was fixing landscaping. And what existed before when I bought the house was a short, two and a half foot fence surrounding the property line. It was kind of falling apart. It didn't look very nice and I, basically, pulled it out and put the exact same size fence in built out of wood and, in my opinion, looks a little bit nicer. It's a little bit safer and a little bit stronger.

So I'm requesting a variance to allow the front yard fence that's already been built. And at the time I didn't know exactly. I was -- the guidance that I had suggested that I could build a front yard fence if it was a water front property. I sent this in the
package. So I would hope you have it. But it's a summary from ordinance 18.24 of Article 25, Section 2515. And it states for water lots having water frontage that you're allowed a fence within the front yard, if it's not higher than four feet tall.

So the property that I have I consider it to be waterfront. I think when I got the call from the code enforcement officer he said it's not because there's a street between the house and the water.

And here's a quick overview, a bird's-eye view of the property, which is the second one in from the left. And there's a street on South Lake Drive that is in between Walled Lake and the house. When I rebuilt the fence in the same spot, I thought it was waterfront, which is why I didn't go to the City first based on the guidance that I had.

Here's a quick picture of the old house when I bought it. It's kind of dark, but you can see the fence in the front door. It's an old aluminum, black painted picket fence. And then I just rebuilt it in the exact same position, which is also hard to see up here. But it's a wooden fence in the same spot.

I have one more here that kind of shows a
view from the street showing it's not blocking
anybody's view of the lake or the water.

So, in my opinion, it fits in with the
neighborhood. I think it's a little more visually
attractive than the previous one. It's the only area
that I have on my property -- if you go back to that
front bird's-eye view picture.

It's the only piece on my property that has
any grassy area for kids or dogs to play. So I was
hoping I could keep it just in the terms of safety. If
I had a backyard or if my lot allowed for a backyard, I
wouldn't have the fence in the front yard in the first
place.

So, basically, I'm just trying to replace the
fence that was there and make it a little bit nicer and
a little bit safer.

CHAIRPERSON PEDDIBOYINA: Okay. Anything
else you want to say?

MR. GIELOW: Nope.

CHAIRPERSON PEDDIBOYINA: Okay. Thank you.

Anyone in the audience, please, about this
case, you can please come forward --

MS. DUSCHANO: My name is Dorothy Duschano
(ph). I live at 11298 South Lake Drive down the road. The improvements that he's done to this house have been phenomenal. The addition of the balcony in the front area and the increase in the living space has definitely improved the neighborhood and the views of those driving by.

This is more a matter of replacing something that was already there that, as you can tell from the disrepair of the old one, needed to be replaced. It's not inconsistent with the neighbors who have also built a type of berm and edging to the front of their property and you'll see many of the homes on South Lake Drive that have tried to protect not just the view, but their enjoyment of the front lawn to enjoy the view by making their spaces secure.

What was put in was just a low rise fence. It's -- it works. It does not obstruct the view of the lake in any way, shape or form and gives the homeowner some increased value to his property. Thank you.

CHAIRPERSON PEDDIBOYINA: Thank you.

Anyone in the audience, please?

I would request anyone in the audience with the case going on and the presenter cannot talk. Thank
you so much.

Okay. From the City?

MR. BUTLER: I believe that what he did was there was an existing fence there. It was probably nonconforming, but it's probably been there for years. And what he did was replace it and maintained the fence. But he did express a hardship the fact that he has a road on the front and side there with traffic going by where he has children and pets. Putting in an area to play and that fence would maintain that security for them in the yard. So I think he did express a hardship there.

CHAIRPERSON PEDDIBOYINA: Okay. Thank you. Correspondence, secretary?

MEMBER KRIEGER: In this case 26 letters were sent. Two letters returned. One approval. Zero objections.

And the first one is from Renee and Kevin Bates at 113 Berens (ph) -- Burnstadt. Same street. And that's an approved.

Thank you.

CHAIRPERSON PEDDIBOYINA: Okay. Thank you. You can come to the podium, please.
Thank you so much for your presentation. And I understand -- nice fence and what the audience also mentioned. I have no objection on this case and I'm putting it to the board.

Anyone want to speak on this case?

Mav?

MEMBER SANGHVI: Thank you.

I came and saw your place the other day and I realize that it is a corner lot. How long have you been in that house?

MR. GIELOW: Just about two years now.

MEMBER SANGHVI: And you have young children?

MR. GIELOW: Not yet.

MEMBER SANGHVI: Not yet. You're expecting some?

MR. GIELOW: I'm planning on it. I'm married.

MEMBER SANGHVI: Like I said, I have no problem with your fence because you have no side yard and you have no backyard. You are on a corner lot and it is going to be very useful when you have young children going out in front. So I can support your variance request.
Thank you.

MR. GIELOW: Thank you.

CHAIRPERSON PEDDIBOYINA: Thank you very much, Mr. Mav.

Anybody else, please, from the board?

Okay. Linda?

MEMBER KRIEGER: Question: When the winter plow goes by -- that's wood, correct?

MR. GIELOW: It is wood.

MEMBER KRIEGER: How does that work?

MR. BUTLER: That's a chance he has to take. That's his fence to maintain.

MEMBER KRIEGER: Do you understand that?

MR. GIELOW: Yes.

MEMBER KRIEGER: I think it's beautiful.

MR. GIELOW: It's a lot stronger than the aluminum one that was there before so we'll see if it holds up. Thanks.

CHAIRPERSON PEDDIBOYINA: Thank you, Linda.

Anyone else on the board, please?

Okay. May I have a motion, Michael.

MEMBER LONGO: Yes. I move that we grant the variance in this case of PZ19-0044 sought by Zack for
the address of 623 South Lake Drive for the fence variance to have the fence extend beyond the front of the house up to or near to the street.

The petitioner has shown practical difficulty requiring him to have a secure area for pets and children now or in the future.

And because of the significant -- because of the size of the lot, which is very narrow and pretty shallow in the back. Without the variance petitioner would be unreasonably prevented or limited with respect to the use of the property because it is a significant to protect the children and pets.

The property is unique because it is very narrow and very shallow. The petitioner did not create the condition. He purchased the home with the lot the size it is probably because it is near the water. And the relief granted will not unreasonably interfere with adjacent or surrounding properties because it is fairly common in that area to have something in the front yard to protect them.

The relief is consistent with the spirit and intent of the ordinance because it permits the owner to secure a position for children, pets and what have you
MEMBER SANGHVI: Second.

CHAIRPERSON PEDDIBOYINA: Thank you. Okay. And any other discussions?

None.

Katherine, please roll call.

MS. OPPERMAN: Member Verma?

MEMBER VERMA: Yes.

MS. OPPERMAN: Member Montague?

Yes.

MS. OPPERMAN: Member Sanker?

MEMBER SANKER: Yes.

MS. OPPERMAN: Member Sanghvi?

MEMBER SANGHVI: Yes.

MS. OPPERMAN: Member Longo?

MEMBER LONGO: Yes.

MS. OPPERMAN: Member Krieger?

MEMBER KRIEGER: Yes.

MS. OPPERMAN: And Chairperson Peddiboyina?

CHAIRPERSON PEDDIBOYINA: Yes, please.

MS. OPPERMAN: Motion passes.

CHAIRPERSON PEDDIBOYINA: Congratulations.

MR. GIELOW: Thank you.
CHAIRPERSON PEDDIBOYINA: And next, case number three, PZ19-0045, Jill and Reuben Levy, 42630 Morgan Creek Court, west of Novi Road and north of Thirteen Mile Road, parcel number 50-22-02-177-043.

The applicant is requesting a variance from the City of Novi Zoning Ordinance, Section 5.1 to park a recreational vehicle over six feet tall in the side yard. This property is zoned single family residential, R-4.

Is the applicant here, please?

Are you the applicant?

MR. LEVY: Yes, I am.

CHAIRPERSON PEDDIBOYINA: Okay. You can spell your first and last name and swear in for my secretary for the record.

MR. LEVY: Reuben, R-e-u-b-e-n, Levy, L-e, V as in Victor, Y.

MEMBER KRIEGEGER: Are you an attorney?

MR. LEVY: I am not.

MEMBER KRIEGEGER: Please raise your right hand.

Do you swear or affirm to tell the truth in this case?
MR. LEVY: Yes.

MEMBER KRIEGER: Thank you.

CHAIRPERSON PEDDIBOYINA: Thank you. You may proceed.

MR. LEVY: We live at 42630 Morgan Creek Court. It's off of East Lake Drive. This subdivision was built. We moved in that house back in 2004 and these are about 12 houses. There's 12 houses on this property, the subdivision area and they're built as site condos. So the lots are the smaller, tighter lots. This is all so -- I know that the level was raised quite a bit. I don't know exactly what was done, but I believe there was a lot of fill going back from the lake headed towards Novi Road where this was. So we're one of the houses on the cul-de-sac --

I can ...

THE COURT: Yes.

MR. LEVY: Here's an overview of our house. So the red lines indicate the side yard lots. So it's very narrow on that. And also because we are on a walkout, the grade going down in the backyard is extremely steep. Along with this, you can see there is quite a lot of trees in the backyard and attempting to
try to get the vehicle down in the backyard is, basically, impossible to be able to do.

We do have a deeper driveway and we're approximately -- as you can see there, approximately 60 feet from the road where our camper's parked. And you can see the red line right next to it. Here is the property line as well.

So we're close on with that and trying to be able to get down in the backyard just would not be able to do.

The -- this kind of shows from the street. There's grasses, taller grasses that grow there so it keeps it rather hidden from view, which is nice also. If you talk to the surrounding neighbors, for the folks I've talked to I haven't had any issues said from them on anything in regards to that, that it would be a problem.

This is from the backyard, the trees in the back. It's a little difficult to tell the grade there, but it's a walkout. I don't know the exact grade, but that's dropping from the drive down to the back. It's probably 15 to 20 feet or so on that drop. Probably, over about a 50 foot run or so. So makes it,
basically, with no ability to get that in the backyard for storage. And this, you can tell, is a little bit better kind of on the grade. You can see the steps coming down there from the house there on the angle.

And so we're asking the City for approval to be able to park our RV within the driveway. Mainly throughout summertime. Wintertime we do use it quite a bit. My wife and I, we have four young children. We've had this for about five or six years now. We do a lot of camping throughout the summer. So to be able to get loaded up and take care of it and make sure to have access to it quickly and easily for trips -- sometimes we do kind of spur of the moment quick trips in that. So it would be great if we would be able to keep it by the house there over the summer period of time.

I do have a spot that I can find for a storage in the winter off of it as well, if that makes it more beneficial.

CHAIRPERSON PEDDIBOYINA: Okay. Thank you. Anything else you want to say?

MR. LEVY: No.

CHAIRPERSON PEDDIBOYINA: Okay. Audience?
Anyone in the audience to speak about this case?

Okay. Seeing none.

From the City?

MR. BUTLER: No comment. Stand by for questions.

CHAIRPERSON PEDDIBOYINA: Thank you.

Correspondence, secretary?

MEMBER KRIEGER: For this case 28 letters were sent. Three approval -- Wait. Three letters returned. Eight approvals. Two objections.

CHAIRPERSON PEDDIBOYINA: Thank you.

MEMBER KRIEGER: Read them?

CHAIRPERSON PEDDIBOYINA: Yeah, please.

MEMBER KRIEGER: Okay. The first one is from Teresa Zaw -- oh, gosh. I don't know how to say that.

Z-a-w-i -- I think that's a D-r-i-a.

MR. LEVY: Zawanda (ph), I believe.

MEMBER KRIEGER: What?

MR. LEVY: Zawanda.

MEMBER KRIEGER: Zawanda. Okay.

"No objection for variance. This does not impede traffic or cause any neighborhood issues." So approval.
"Hi, I am responding to Ruby Levy's request for variance to park recreational vehicle in the side yard. I do not have any issues with this request."

From Robin Spaulding on Morgan Creek.

Approval from: "We have no issues with the parking of Ruben's camper in our neighborhood. It does not obstruct any traffic."

From Perryman on Morgan Creek Court.

"I live next door to the Levys and we have no issue with the camper in the drive. He causes no issues whatsoever." From David LePlae in Morgan Creek Court.

Approval from -- "I have no problem with the placement of the camper. Approve the variance request." From Josh Robinson on Morgan Creek.

Approval -- another approval. Is this a copy of Perryman?

MS. OPPERMANN: Maybe. He sent it in two forms. I'm sorry. I apologize.

MEMBER KRIEGER: Accepted, two votes.

Approval: "We approve of Ruben and Jill to have their RV parked on the side of their driveway; however, we do not want a general rule that any or all
can have this privilege without approval without an
individual evaluation of each case." From Frances and
Mirani Solar (ph).

Approval: "We have no issues. It does not
encumber anything with regards to traffic or views."
Purdeep Nair (ph) and Rajeed Nair (ph).

From Morgan Creek: "Please note my objection
to the variance request." Comments, five comments:
"It does not appear that the applicant has any economic
burden that would affect their ability to store the RV
at a specifically designed facility rather than in
their exterior side yard. Recreational vehicle storage
best suited to a storage facility.

"Second, this change in use will negatively
effect the neighborhood character and property values.
The RV lends to a congested appearance on the street.
Home buyers are looking for a lake living with upscale
housing, which is what our neighborhood has tried to
represent. Three, photos provided in the application
do not depict the RV as it is currently at the
residence. The RV there currently is larger and
taller. Image dates from 2012. Fourth, application
states that grass hides the RV, which is misleading."
It may buffer the adjacent neighbor, but does nothing for the street view. The RV is in complete sight for all cars going eastward once entering the street. Fifth, applicant states they talked to most homeowners in the homeowner's association, but not all. A focused survey leading to a positive outcome for the applicant should be moot when not all homeowners or homeowner's association were included in said survey." From Holly Tucker on Morgan Creek.

And objection: "If this is allowed, Novi properties will be littered with motor homes, boats, trailers, et cetera blocking neighbor's views and accessibility to --"

I can't read that part.

"Care for their property." Oh, to mow the lawn, I suppose.

"To care for the property that would sit next to the subject. There's a reason that Novi does not allow this." From Mark Ziedek (ph) on East lake Drive. And that's it.

CHAIRPERSON PEDDIBOYINA: Thank you so much, secretary.

Okay. Before I speak to your case, let me
put it to the board.

Okay. Mr. Sanghvi?

MEMBER SANGHVI: Thank you. I came and visited your property a couple of days ago. First of all, I want to commend you for your application. It's very well done. You did your homework. You talked to your neighbors. Most all of them agree it is okay for you to do this. And I saw a your lot. You're right at the end of the cul-de-sac.

You have a pie-shaped lot. Your backyard is full of woodlands and there is no place really to park your RV. And I see your hardship. And I wholeheartedly support your application.

MR. LEVY: Thank you very much.

MR. SANGHVI: Thank you.

CHAIRPERSON PEDDIBOYINA: Anyone on the board, please?

MEMBER LONGO: Yes. I have a question.

CHAIRPERSON PEDDIBOYINA: Yeah, please, Mr. Longo?

MEMBER LONGO: First of all, there was nothing there from the homeowner's association, was it, that said they approved or did not approve?
MEMBER KRIEGER: No.

CHAIRPERSON PEDDIBOYINA: No.

MEMBER LONGO: That said, they really should have done that, I think. But since they didn't, we'll assume it's an approval.

How tall is that RV? Eight feet or something?

MR. LEVY: About eight feet. Yeah. I don't know exactly. I think about eight feet.

MEMBER LONGO: And that tall grass is on an easement, actually, isn't it, between you and that next door neighbor?

MR. LEVY: Correct. There's a drainage easement that goes there.

MEMBER LONGO: On the side of the homeowners?

MR. LEVY: Yeah.

MEMBER LONGO: Would you have a problem moving that to a, you know, winter location where it's in storage?

MR. LEVY: Throughout the winter?

MEMBER LONGO: Yes.

MR. LEVY: I'd be okay in doing that. I wouldn't have a problem. It's really more along the
summertime. We utilize it a lot to be able to get into it. Sometimes the kids will want to sleep out in it and do some things like that.

MEMBER LONGO: Okay. Thank you.

THE COURT: Okay. Thank you.

Anyone on the board, please?

MEMBER SANKER: I have a question.

CHAIRPERSON PEDDIBOYINA: Yeah, go ahead.

MEMBER SANKER: So are you allowed to have it in the backyard, if you can get it there?

MR. LEVY: If you can get it -- I believe the City allow -- I'd have to reread it. I'm pretty sure.

So it's allowed in the backyard. A side yard I think is under -- I think under six feet.

MEMBER SANKER: I just wasn't sure. If you could get it back there, it would still be allowed?

MR. LEVY: Yes, it would. Yeah. From everything that I read when I talked to the City.

MEMBER SANKER: All right. Thanks.

MEMBER MONTAGUE: Is the picture of the RV that you had?

MR. LEVY: Yes. I'm pretty sure.
MEMBER MONTAGUE: Somebody seemed to think it was a different one.

MR. LEVY: Yeah, well, I've had -- you know, I took those from a -- I was looking for a top view on it and I wasn't paying attention on it. Because I grabbed those off of Google Maps when they had it on there.

We just did just -- basically, it's the same size unit that we had from before that we got two years ago. The same length, same size. I don't know if it's any taller, really. It might look like it's a little bit taller. It's not any taller. This one just has a side on the kitchenette that comes out.

The other one had -- when we expanded it out, it had three slides on the one side. This one slid out for the kitchen area. So when it's all closed, it's all the same size, eight foot wide. I don't know that exact height on that, though. I think it's about eight feet.

CHAIRPERSON PEDDIBOYINA: Okay. Thank you. Anybody else on the board, please?

MEMBER KRIEGER: I have a question. How do you support it on the driveway? I remember driving
down a different subdivision and they had a huge incline on their driveway and they had it perched with cinder blocks, which totally freaked me out because if it came apart. So for those slight incline, what do you do to break it?

MR. LEVY: Our drive, fortunately, does not have much of an incline where it isn't on a flat right there. So there's wheel locks that actually go in between the wheels for campers they're made. Those crank. They spread apart and those lock the wheels in on that plus the front tongue is an electric jack that is down supporting that on the ground. And I also put wheel blocks in on the ground around the tires.

MEMBER KRIEGER: Okay. Thank you.

THE COURT: Okay. Thank you, Linda.

MEMBER SANKER: I have one question.

CHAIRPERSON PEDDIBOYINA: Yes, go ahead, Member Sanker.

MEMBER SANKER: Is there anyway -- like have you looked at possibilities of having a ramp or some way to get it down into the backyard to fit. Have you explored that at all?

MR. LEVY: Yeah. I looked. It's sometimes
hard. I've had a golf cart try to go up and down there.

MEMBER SANKER: It's just too steep?

MR. LEVY: Yeah. That just won't go up.

Plus, it's --

MEMBER KRIEGER: You'll get it down and never get it back up.

MR. LEVY: Yeah. It would be a permanent fixture back there if it went down there for sure. And it would be sunk in. Because it's pretty wet back there, too, because of how high that all that was built up. We go right on to wetlands back there behind us. And the woods back there, those fill up with water. I even get some water sitting in the backyard at times with the rain and stuff. So if that was even down there, it would be a nightmare.


CHAIRPERSON PEDDIBOYINA: Thank you, Sanker. Anyone on the board?

Okay. Mr. Mav?

MEMBER SANGHVI: I just want to add there that when I read that there were four cars in the driveway. There was a Jeep. There was Escalade,
another SUV and this and when all those were parked, you could hardly see your RV was there. I don't think it's causing any kind of nuisance or anything to anybody.

Thank you.

MR. LEVY: Thank you.

CHAIRPERSON PEDDIBOYINA: Okay. Anyone else on the board?

No.

So motion time, Mr. Sanghvi?

MEMBER SANGHVI: May I make a motion?

CHAIRPERSON PEDDIBOYINA: Yeah, please.

MEMBER SANGHVI: I move that we grant the variance in case number PZ19-0045 sought by Jill and Reuben Levy for 42630 Morgan Creek Court, Novi, parcel number 50-22-02-177-043 because the petitioner has shown practical difficulty requiring need for this variance.

Without the variance the petitioner will be unreasonably prevented or limited with respect to the use of his property because they have woodlands and wetlands in the backyard and there is no side yard whatever. And he has no access to the back of the
property itself. And the property is unique because it
is in a cul-de-sac and has a pie shape lot with
woodlands in his backyard as mentioned earlier.

This is not a self-created condition and the
relief granted will not interfere with any adjacent or
surrounding properties and will not effect any property
values around there. The relief is consistent with the
spirit and intent of the ordinance.

Thank you.

CHAIRPERSON PEDDIBOYINA: Thank you. Anybody
second the motion?

MEMBER KRIEGER: Second.

MEMBER VERMA: Second.

CHAIRPERSON PEDDIBOYINA: Okay. Any other
discussions?

Seeing none.

MEMBER LONGO: Yes.

CHAIRPERSON SANGHVI: Okay.

MEMBER LONGO: Mr. Levy, how would you feel
if we approve this with the stipulation of having it
stored in the wintertime?

MR. LEVY: I would be fine with that.

MEMBER LONGO: Then I would like to add to
his motion that it's subject to having it stored in the wintertime off the property.

MEMBER SANKER: What's the wintertime?

MEMBER LONGO: We can use the calendar, I guess.

MEMBER SANKER: That's fine with me.

MEMBER LONGO: When does that start?

MEMBER SANKER: Next week or something.

MEMBER LONGO: I feel like it started two weeks ago.

According to the calendar of winter months.

MEMBER SANKER: Until March.

MEMBER LONGO: Is that okay, Mr. Levy?

MR. LEVY: That would be fine.

MEMBER LONGO: Thank you.

CHAIRPERSON PEDDIBOYINA: Thank you, Michael. And motion is seconded and supported.

MS. SAARELA: The maker of the original motion, do you accept the amendment, Member Sanghvi?

MEMBER SANGHVI: I don't see the need for the variation.

MS. SAARELA: Okay. So then we have to vote on the amendment.
MEMBER SANKER: I move to second the amendment.

CHAIRPERSON PEDDIBOYINA: Okay. Katherine, please call --

MS. SAARELA: So first take the vote for who is in favor of the amendment. You can just do a voice vote on who's in favor of the amendment.

CHAIRPERSON PEDDIBOYINA: I'm doing the final for the case for the motion for the second one.

MS. SAARELA: So all in favor of the amendment say "Aye." All opposed to the amendment, that's how it would have to be done.

CHAIRPERSON PEDDIBOYINA: Okay. Katherine, please call.

MS. OPPERMANN: So ... 

MS. SAARELA: So you don't have to do individually, just ask who is in favor of the amendment.

MEMBER KRIEGER: So all in favor of the amendment?

(Board members state "Aye.")

MS. SAARELA: All opposed to the amendment?

MEMBER SANGHVI: No.
MS. SAARELA: Okay. The amendment passes.

So now it's the motion with the amendment that's on the table.

It doesn't matter -- we just know that the amendment passed so that they can vote on the motion with the amendment. We don't have to know -- as long as we know there was a majority in favor of the amendment.

CHAIRPERSON PEDDIBOYINA: Thank you.

Okay, Katherine, please roll call.

MS. OPPERMANN: Chairperson Peddiboyina?

CHAIRPERSON PEDDIBOYINA: Yes.

MS. OPPERMANN: Member Krieger?

MEMBER KRIEGER: Yes.

MS. OPPERMANN: Member Longo?

MEMBER LONGO: Yes.

MS. OPPERMANN: Member Sanghvi?

MEMBER SANGHVI: Yes.

MS. OPPERMANN: Member Sanker?

MEMBER SANKER: Yes.

MS. OPPERMANN: Member Montague?

MEMBER MONTAGUE: Yes.

MS. OPPERMANN: And Member Verma?
MEMBER VERMA: Yes.

MS. OPPERMAN: Motion passes.

CHAIRPERSON PEDDIBOYINA: Congratulations.

MR. LEVY: Thank you very much.

CHAIRPERSON PEDDIBOYINA: Okay. And move to the next case.

MEMBER SANGHVI: What is winter in this state? That's why it's important to define it.

MEMBER SANKER: We did.

CHAIRPERSON PEDDIBOYINA: Okay. And thank you so much everybody. Move to the fourth case.

MR. LEVY: Can I ask for one clarification? You said December 21st through March ...

MEMBER KRIEGER: March 21st is the first day of spring.

MR. LEVY: Right. So those are the dates?

MEMBER KRIEGER: Yeah.

MR. LEVY: Okay. Thank you.

CHAIRPERSON PEDDIBOYINA: Okay. And that's the conclusion for the case number three.

And moving to the fourth case. PZ19-0048, Mark ZAWAIDEH, 40020 Twelve Mile Road, west of Haggerty Road and north of Twelve Mile Road, parcel number
50-22-12-400-063. The applicant is requesting the variance from the City of Novi code of ordinance, Section 28-(a); and 28-5(d)(7) for a second wall sign facing southwest measuring 336 inches by 36 inches, 84 square feet.

The applicant was previously granted a lesser variance during the April 2019 proceedings of case PZ19-0011. The property is zoned Office Service Technology, OST.

Okay. The applicant is there?
Yes. You can spell your first and last name and swear in for my secretary for the record.

MR. ZAWAIDEH: Sure. Mark Zawaideh, M-a-r-k. Last name Z like zebra, A-w-a-i, D like David, E-h.
MEMBER KRIEGER: Were you an attorney? I don't remember.

MR. ZAWAIDEH: No.
MEMBER KRIEGER: Please raise your right hand.
Do you swear or affirm to tell the truth in this case?

MR. ZAWAIDEH: Yes. Yes, I do.
MEMBER KRIEGER: Okay. Great.
THE COURT: Thank you. You may proceed with the case, please.

MR. ZAWAIDEH: Okay. I was here, like I said, I think back in April and I thought we did a good job of explaining exactly what we wanted. I guess I didn't do a good enough job. When I was here in April, I explained that we have a sign on the building that faces the south and my intention was to put a sign that faced the thoroughfare of M5 highway and then to face the southeast direction. Because my building has woodlands -- that you can see this picture right here -- on the corner of the property that blocks the entire south -- southeast -- southwest corner. The entire corner of the building.

When we put the sign up, there's this gap that you see in between. And I guess we miscalculated that if you -- it defeats the whole purpose. If we put the signs together, the 844-SOLD-BY-Z would have been facing this right here.

I have a -- I did a video showing me standing. I turned the sound down, but I can explain it. I'm standing right below. You can see. Right below that gap to show that if that sign was to be
moved over from either direction, it would defeat the whole purpose. Which is why I was here in April, saying that, you know, this blocks my entire corner of the building. So the whole reason I was here in April was to have one sign face the thoroughfare and one sign face what you see right there, which is that southeast corner. Because you have that electrical -- whatever you call it. Electrical tower that covers up my building as well.

So there's a lot of hardships from many directions of my building and the only reason I bought that building was to have some signage. Some viewability, I guess you would say.

So by having that gap in between the two signs, I believe it's about two feet, give or take, it causes the variance for me to ask to have that either -- I had two ways of approaching it, according to Marianne. One was to ask for three signs or one was to ask for a variance for the sign to be bigger because of that. You know, the signs itself aren't bigger, but because of that gap in between it makes the overall signage area bigger, if that makes sense.

Did I explain that right?
CHAIRPERSON PEDDIBOYINA: Okay. Anything else you want to say?

MR. ZAWAIDEH: No. That's it.

CHAIRPERSON PEDDIBOYINA: Thank you. Anyone in the audience about this case, please?

Seeing none. From the City?

MR. BUTLER: No comments from the City.

CHAIRPERSON PEDDIBOYINA: Thank you.

Correspondence, secretary?


CHAIRPERSON PEDDIBOYINA: Thank you.

Okay. Anyone on the board want to speak about this case?

MEMBER KRIEGER: I have a question.

CHAIRPERSON PEDDIBOYINA: Yeah. Go ahead.

MEMBER KRIEGER: I understood that the second sign would be on the turret. So I don't really understand why you're here. Is it they want a bigger sign?

MS. OPPERMAN: The way that the sign was installed, there's a four foot gap between the spacing, which wasn't included in the original proposal. So by
the way our ordinance officers calculated it, it makes
the area of the sign larger even though the actual
lettering and everything is the same size as was
previously approved and proposed.

MEMBER KRIEGER: So you want to keep the four
feet the way it is now?

MR. ZAWAIDEH: Correct.

MEMBER KRIEGER: I have no problem with that.

Yeah, that's fine.

MR. ZAWAIDEH: So what I asked for
originally, we accomplished.

MEMBER KRIEGER: Yeah.

MR. ZAWAIDEH: But I guess we didn't know
until we put it up that to accomplish it without a
variance, we would have to push it together and it
would be in that whole middle area which defeated the
whole purpose.

MEMBER KRIEGER: Yeah. I remember we were
talking about putting flag on the turret.

MR. ZAWAIDEH: Yeah.

CHAIRPERSON PEDDIBOYINA: Thank you, Linda.

Anyone on the board, please?

Seeing none. Linda, this is your turn for
MEMBER KRIEGER: In case number PZ19-0048 for Mark Zawaideh for 40020 Twelve Mile Road, the applicant is requesting a variance from the City of Novi Code of Ordinances Section 28-(a); and 28-5(d)(7) for a second wall sign facing southwest, measuring 336 inches by 36 inches, 84 square feet. The applicant was previously granted lesser variances during the April 2019 proceedings of case PZ19-0011. The property is zoned office service technology, OST. And I move to grant the variance in this case number.

The petitioner has shown his practical difficulty from his previous testimony and this current one that the -- having the need for the second sign on the turret that the lettering of the sign had created this distance. So it is limited with respect to the use of the property as well as the foliage in the corner to the M-5 entrance. So this property is unique because of that.

The petitioner did not create the condition because this was previously -- I believe it was a bank. So he bought the building as is. The relief granted will not unreasonably interfere with adjacent or
surrounding properties because of -- it will -- for the speed of the road and causing less accidents for people trying to drive by and get to this destination.

The relief is consistent with the spirit and intent of the ordinance because it is a minimum request.

And that's it.

CHAIRPERSON PEDDIBOYINA: Thank you.

MEMBER LONGO: I second.

CHAIRPERSON PEDDIBOYINA: Okay. Seconded.

Any other discussion about this case?

Seeing none.

Please, Katherine, can you call the roll call?

MS. OPPERMAN: Member Verma?

MEMBER VERMA: Yes.

MS. OPPERMAN: Member Montague?

MEMBER MONTAGUE: Yes.

MS. OPPERMAN: Member Sanker?

MEMBER SANKER: Yes.

MS. OPPERMAN: Member Sanghvi?

MEMBER SANGHVI: Yes.

MS. OPPERMAN: Member Longo?
MEMBER LONGO: Yes?

MS. OPPERMAN: Member Krieger?

MEMBER KRIEGER: Yes.

MS. OPPERMAN: And Chairperson Peddiboyina?

CHAIRPERSON PEDDIBOYINA: Yes, please.

MS. OPPERMAN: Motion passes.

CHAIRPERSON PEDDIBOYINA: Thank you.

Congratulations.

MR. ZAWAIDEH: Thank you. Happy holidays.

MEMBER KRIEGER: You too.

CHAIRPERSON PEDDIBOYINA: And the final case of the day, of the year. PZ18-0050, Benchmark Group slash Wal-Mart, 26090 Ingersol Drive, east of Novi Road and north of Grand River Avenue, parcel number 50-22-14-351-064.

The applicant is requesting a variance from the City of Novi Code of Ordinance, Section 28-5(a) for 12 ground signs for parking space indicators, one ground sign permitted per parcel; 28-7(b)(2) for nine ground pole signs to be posted at the parking lot entrance. Number two of the entrance will have a second ground pole sign. One ground pole sign is permitted at each entrance per code.
Section 28-5 for a 65.43 square foot wall sign on the west elevation - north side of building. This sign exceeds number of signs permitted. The property is zoned Town Center, TC.

Are you the applicant?

MS. VAUGHN: (No response.)

CHAIRPERSON PEDDIBOYINA: Are you the applicant?

MS. VAUGHN: Yes.

CHAIRPERSON PEDDIBOYINA: You can come forward and spell your first and last name and be sworn by our secretary, please, for our record.

MS. VAUGHN: My name is Rachael Vaughn. It's R-a-c-h-a-e-l V-a-u-g-h-n. And I'm Benchmark Group and on behalf of Wal-Mart.

MEMBER KRIEGER: Are you an attorney?

MS. VAUGHN: No.

MEMBER KRIEGER: Can you raise your hand? Do you swear or affirm to tell the truth in this case?

MS. VAUGHN: I do.

MEMBER KRIEGER: Thank you.
can speak louder, please, or come to the mic.

MS. VAUGHN: Yes.

CHAIRPERSON PEDDIBOYINA: Thank you.

MS. VAUGHN: This Wal-Mart store located at 26090 Ingersol Drive is wanting to add an online grocery pickup area. This would include the 65 square foot sign on the wall on the front of the store, as well as 12 parking stalls designated for the pickup area. Each stall would have its own sign with the stall number so the associates can locate the customer to deliver the order. As well as the call-in number to let them know that they are there.

And then there are also 12 signs that would be directional -- I'm sorry. Nine signs that are directionals throughout the parking lot to guide customers to that designated parking area.

CHAIRPERSON PEDDIBOYINA: Okay. Anything more you want to say?

MS. VAUGHN: (Nods.)

THE COURT: Do you have any presentation to show to the board? Do you have any pictures?

MS. VAUGHN: I have some drawings from our architect with pictures of the signage if you want to
see the design of the signage.

CHAIRPERSON PEDDIBOYINA: Yes. If you can show us, please. That's fine. Thank you.

(Document displayed.)

MS. VAUGHN: This sheet here shows the stall numbers. This will be the directional signage throughout the parking lot to guide the customers to the correct area. And it's quite dark here, but here's what it would look like with the numbers and then here is all pieced together with the signs on the parking stalls of what it would look like.

THE COURT: Okay. Anything else you want to say?

MS. VAUGHN: No.

CHAIRPERSON PEDDIBOYINA: Thank you, ma'am. Anyone in the audience speak up about this case?

Seeing none. From the City?

MR. BUTLER: The City stated that there was shown a practical difficulty for hardship due to the fact that how large the parking lot is and the amount of traffic that goes through there. This is a new service that they're offering and for the traffic to
come in and locate the areas where they can actually
park and get their groceries would be difficult without
the additional signs to guide them to the proper
directions for pickup. So it does show a hardship.

CHAIRPERSON PEDDIBOYINA: Thank you.

Okay. Secretary, correspondence?

MEMBER KRIEGER: In this case, 62 letters
were sent, 13 returned. Zero approvals. Zero
objections.

CHAIRPERSON PEDDIBOYINA: Thank you.

Let me put it on the board. Anyone want to
speak on this case?

MEMBER KRIEGER: Do you have the map where it
shows the parking lot, the satellite view?

MS. VAUGHN: I do.

MEMBER KRIEGER: And if you can point out
where that proposed area is going to be and the signs,
that would be great.

(Document displayed.)

MS. VAUGHN: So about the front of the store
there's a rectangle box there shows the parking lots
that will be the pickup area. These will all be
labeled. And then these white notes depict here and
here the directional signage. That gets the entrance and guides them into the middle of the parking lot where the pickup area IS located.

CHAIRPERSON PEDDIBOYINA: Okay.

MEMBER KRIEGER: Yeah. I can see it's a maze. When you -- first get there from 11 Mile off Crescent Drive and then to have a grocery pickup, I can see where you have a need. Thank you.

CHAIRPERSON PEDDIBOYINA: Okay. Linda. Thank you. Any other board member, please?

Seeing none. It's a motion time.

Mr. Sanker?

MEMBER SANKER: Sure. I can do a motion.

CHAIRPERSON PEDDIBOYINA: Thank you.

MEMBER SANKER: I move that we grant the variance in case number PZ19-0050 sought by the petitioner for 12 ground signs, nine pole signs, one extra pole sign at the entrance and one additional wall sign because the petitioner has shown practical difficulty requiring these variances.

Without the variance, the petitioner will be unreasonably prevented or limited with respect to the use of the property because he won't be able to
adequately direct its customers. The property is unique because of its size.

The petitioner did not create the condition because they purchased the property -- the large property. The relief granted will not unreasonably interfere with adjacent or surrounding properties because it is so large and the signs are incorporated into the property and they have a low profile.

And the relief is consistent with the spirit and intent of the ordinance because customers will be able to navigate the premises more easily.

CHAIRPERSON PEDDIBOYINA: Okay. Anyone wants to say second?

MEMBER LONGO: I second it.

CHAIRPERSON PEDDIBOYINA: Thank you, Michael. Anyone want to discuss anything in this case? Seeing none.

Katherine, please call roll.

MS. OPPERMAN: Chairperson Peddiboyina?

CHAIRPERSON PEDDIBOYINA: Yes, please.

MS. OPPERMAN: Member Krieger?

MEMBER KRIEGER: Yes.

MS. OPPERMAN: Member Longo?
MEMBER LONGO: Yes.

MS. OPPERMAN: Member Sanghvi?

MEMBER SANGHVI: Yes.

MS. OPPERMAN: Member Sanker?

MEMBER SANKER: Yes.

MS. OPPERMAN: Member Montague?

MEMBER MONTAGUE: Yes.

MS. OPPERMAN: And Member Verma?

MEMBER VERMA: Yes.

MS. OPPERMAN: Motion passes.

CHAIRPERSON PEDDIBOYINA: Thank you. And congratulations.

MEMBER KRIEGER: All set. Congratulations.

CHAIRPERSON PEDDIBOYINA: For the end of the day and the end of the meeting. Is there any other matters apart from this?

Then, I would like to adjourn the meeting.

MEMBER KRIEGER: Move to adjourn.

MEMBER SANKER: Second.

CHAIRPERSON PEDDIBOYINA: Second. Thank you. And Happy Holidays and Merry Christmas and Happy New Year to everyone.

MEMBER KRIEGER: You too.
CHAIRPERSON PEDDIBOYINA: Thank you.

(At 8:14 p.m., meeting concluded.)
CERTIFICATE

STATE OF MICHIGAN)

) ss

COUNTY OF OAKLAND)

I, Darlene K. May, Notary Public within and for the County of Oakland (Acting in Oakland), 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 seventy-one (71) typewritten pages, is a true and correct transcript of my said stenographic notes.

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

January 7, 2020
(Date)