Novi, Michigan

October 10, 2017

7:00 p.m.

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CHAIRPERSON SANGHVI: Good evening, ladies and gentlemen. It is 7:00 p.m. and it's time to call to order the ZBA meeting of October 10, 2017. Would you please all rise and join me in the Pledge of Allegiance.

(Recitation of the Pledge of Allegiance.)

CHAIRPERSON SANGHVI: Thank you. Please be seated.

Madam Secretary, please call the roll.

MS. OPPERMANN: Member Byrwa.

MR. BYRWA: Present.

MS. OPPERMANN: Member Ferrell.

MR. FERRELL: Here.

MS. OPPERMANN: Member Gronachan is absent, excused.

Member Krieger.

MS. KRIEGER: Present.

MS. OPPERMANN: Member Montville is absent, excused. Member Nafso is absent, excused.
Member Peddibonya.

MR. PEDDIBONYA: Yes.

MS. OPPERMANN: Chairperson Sanghvi.

CHAIRPERSON SANGHVI: Present. Thank you.

Now, the public hearing format and the rules of conduct are at the upper level near the front door and I won't go into it. My one request is to please turn off your cellphones.

Moving on to the next, approval of the agenda. Madam Secretary, is there any change, additions, deletions in the agenda?

MS. OPPERMANN: Case No. PZ17-0042 has been postponed by request of the applicant to the November meeting. And on PZ17-0044, there is a small typo. It should be marked that it is west of Novi as opposed to east.

CHAIRPERSON SANGHVI: Thank you. May I have a motion to approve the amended agenda.

MR. FERRELL: So moved.

CHAIRPERSON SANGHVI: So moved. Second?

MS. KRIEGER: Second.

CHAIRPERSON SANGHVI: A motion has been made and seconded. Please signify by saying aye.

MR. FERRELL: Aye.

MR. PEDDIBOYNA: Aye.
MS. KRIEGER: Aye.

MR. BYRWA: Aye.

CHAIRPERSON SANGHVI: Aye. Those opposed same sign. So we have an agenda.

The next item is minutes of the September meeting. Are there any additions, deletions in the minutes as presented?

I have two corrections. First correction is on page 52 where on line we need to add four words, "Please call the roll." And on page 61, line 20, the printed word "session" and it should read "section," s-e-c-t-i-o-n.

Anybody else have any correction?

MS. KRIEGER: On page 21, line 16, that wasn't me, I believe it was our counsel. And then also page 21, line 23, the same. Page 22, line 5, the same, and page 22, line 13.

CHAIRPERSON SANGHVI: Okay. Anybody else?

Seeing no other correction, I'll entertain a motion to approve the agenda as corrected.

MS. KRIEGER: So moved.

MR. FERRELL: Second.

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

Seeing none, all those that agree please
signify by saying aye.

MR. BYRWA: Aye.
MR. FERRELL: Aye.
MR. PEDDIBOYNA: Aye.
MS. KRIEGER: Aye.


Next item on the agenda is public remarks. Is there anybody in the audience who would like to make a presentation to this board about anything other than what is on the agenda today? This is the time to do it.

Seeing none, we will move on to the next item on the agenda, and that takes us to the first case. PZ17-0021, Dembs Development, Inc., at 46480 Nadlan Court, east of Beck Road and south of W. Pontiac Trail, Parcel No. 50-22-04-151-034.

The applicant is requesting a variance from the City of Novi Zoning Board of Appeals Ordinance Section 3.14.5.C. to allow the height of a proposed 30 feet 8 inch building to increase by 5 feet 8 inches, maximum height allowed is 25 feet. This property is zoned Light Industrial.

If the appellant is here, will you please come forward and identify yourself. I recognize the
MR. LANDRY: Chairman Sanghvi and members of the ZBA, good evening, I'm David Landry and I represent Dembs Development.

We are before you this evening requesting variance from the height provisions of Ordinance Section 3.14.5.C. That provision specifies that in an industrial-zoned area that is adjacent to residential, there's a height limitation of 25 feet.

We are requesting a variance to build a building with a gable height of 30 feet 8 inches. That would be a 5 foot 8 inch variance we are requesting. However, there would also be rooftop units on top of that, but they'd be recessed in the building. If you include 6 feet for the rooftop units, technically the variance would be a total of 11 feet 8 inches, but the building height would only be 30 feet 8 inches.

The reason for this variance request is that the building height is absolutely key to the type of businesses that we want to attract and that is in the best interest of the city and, in fact, to the residents next to it.

This is an Industrial I-1 district.
However, the uses in the Beck North Corporate Park are not the intensive industrial uses. We're not warehousing, we're not wholesale establishments, we're not manufacturing. Those kinds of uses have constant semis coming in and out, they have traffic, they have noise. This is a high-tech research and development park that is the less intensive more desirable I-1 uses.

However, to attract those uses, the tenants require their laboratories on the first floor and their offices on the second floor. So in order for us to attract those, we need this extra 5 feet to be able to put the office on the second floor. That is the key to the need for this.

Now, the ordinance speaks to a height limitation next to adjacent residential, and I would just like to point out a couple things. How do I get this to project? It's going to do it on its own. Perfect, thank you. Here we go.

This is the site. Nadlan Court comes in here. You can see the site in red. The first thing that you should notice is the extensive mature woodlands between the residential area here and the site. I've also taken some photographs personally of what those woodlands look like from Nadlan Court. You
can see these are very mature, very dense woodlands. That is a fire hydrant to give you some sort of idea of the height of these woodlands that are there.

You also should understand the history of this site. When Beck North Corporate Park was developed -- here's Nadlan Court and the proposed building -- the 50 feet immediately adjacent to the residential is woodlands, but the developer agreed to put that into a conservation easement, and not only that, deeded it to the city, but we are required to maintain it. That's very unusual for somebody to deed property to somebody else and say, "But I'll maintain it and it's my responsibility." We did that.

In addition to that, there's another 50 feet immediately to the west which we put in a tree preservation easement and another 25 feet which we put in a woodland conservation easement. So in addition to the extensive woodlands which exist already here, we've agreed to maintain this 125-foot strip as woodlands.

In designing this particular site, we've also taken the residents in mind. We've taken the loading docks, they're not very extensive, there's only two of them, put them on the extreme opposite ends of the site; the dumpsters are as far away as
possible as they could possibly be from the residents; the entry is on the west site; we've restricted this drive, no semis there; and since the original site plan that was submitted that I think was in your original packet, we've made two other significant changes.

First of all, we're agreeing to put a 6-foot masonry wall here, and we've also taken parking out of here so that any headlights are going to be blocked by this 6-foot masonry wall.

The other thing we've done is we've agreed to plant a solid row of evergreens all along this eastern border. These evergreens are going to be 10 to 12 feet in height to start off with and they grow an average of 1 foot per year. So in addition to the 125 feet of woodlands we're preserving, in addition to the mature woodlands which already exist, we're going to plant another solid row of evergreen trees all along that area.

The ZBA in the past has recognized the need for this exact type of variance. There are nine buildings in Beck North Corporate Park that are 30 feet today. That is what is adding to the success of the corporate park. In particular Unit No. 56 -- this is Unit 54 tonight -- 56, immediately to the north,
was before you requesting the exact variance in 2014 and it was granted. It also abuts residential, 30 feet in height, exact variance requested. The city staff has no issues with this request. It has been supported.

We’re before the Planning Commission tomorrow night to seek site plan approval. We have landscaping approval, we have woodland approval.

From the standpoint of the ZBA, the basis for this request, there are unique circumstances and physical conditions of the land, that being the mature woodlands which already exist.

This is not the result of the actions of the property owner. All of this area was historically zoned industrial, even Bristol Corners, that was rezoned to residential. So the industrial was here first. The residential came to the industrial, and every person that purchased a residence was aware that this was zoned industrial.

Without the variance, the applicant would be unable to attract the more desirable tenants. The required variance is the minimum necessary and it will not unreasonably interfere with the neighboring properties.

I would just like to close by saying the
woodland consultant for the city, ECT, stated in its report, "In terms of the scenic asset, wind block, noise buffer, and other environmental impacts, this woodlands is considered to be a good quality woodlands." So the city's own consultant said this is a good noise impact. So with respect to height, we're asking the minimum that's required. We're not asking for anything that this board has not already granted, we're asking for nothing new.

And given the history of this project, we would respectfully ask that this board approve the minimal height restriction to allow us to build a building to 30 feet and put the rooftop (inaudible).

I would like to reserve some rebuttal comments. I understand this is a public hearing, I would just like to reserve a few minutes to make rebuttal comments. Thank you.

CHAIRPERSON SANGHVI: Thank you, Mr. Landry, thank you.

Is there anybody in the audience who would like to make a comment about this case? Now is the time to do it. Come forward if there's anybody that wants to come forward and make any comment. I don't see anybody.

I close the public remarks --
MS. KRIEGER: There are people.

CHAIRPERSON SANGHVI: Oh, come in. Please come up and identify yourself.

MS. HALLARON: I have a picture. I didn't know we could show pictures tonight, but it's on my phone. Will it show up?

MR. FERRELL: If you would just state your name.

MS. HALLARON: I'm sorry, Kelly Hallaron, 30361 Balfour Drive. My house is directly behind Nadlan Court.

MR. FERRELL: Will you spell your name for the reporter.

MS. HALLARON: Yes, H-a-l-l-a-r-o-n.

MR FERRELL: And then raise your right hand if you're not an attorney so I can swear you in.

MS. HALLARON: No, I'm not an attorney.

(Kelly Hallaron, sworn.)

CHAIRPERSON SANGHVI: Thank you. Go ahead.

MS. HALLARON: Can I show a picture? I didn't know we could show pictures tonight.

MR. FERRELL: Yes.

MS. HALLARON: Would it show if it's off my phone?
MS. KRIEGER: It should.

MS. HALLARON: Okay. This was taken two nights ago. This supposed -- I'm sorry, I forgot how it was phrased -- intense woodlands, this is between my house and the neighbor north of me. That is what we see standing in our backyards. That's only the section that's at the corner between our two lots, which you'll see when you look at, you know, what was shown earlier with our lots. That's there. It gets the worse to the left or to the south of there. It looks better for me only because I've planted 25 foot tall evergreens, what was that, 15 -- 17 years ago which are now 40 feet high which, of course, are starting to die. There is not good woodlands there. I just wanted to make that comment since it was brought up.

But my intent of coming tonight was to add to what I've already sent. I sent an email to you yesterday -- no, Monday, I sent an email to address some of these. The 25 foot minimum is the 25 foot minimum to be determined -- actually, it's set, it doesn't have to be determined, it is set to protect us as residents. That is the zoning board ordinances. What they are set up to do is to protect us.

Yes, maybe this was zoned industrial a
long time ago, it became residential at one point.

That is when everything changes. So the ordinance are there to protect us from everything that goes on next to our homes. We are trying to live a nice, quiet life in the city of Novi which is why we moved here. We would like to be protected from [sic] the ordinances we knew that were going to be there. We were told they were there. Some of them were developed in 2003, I believe, when we had to address this the first time when the original developer came through and cut down a ton of trees without anyone's permission.

So we're back at this again hoping that we are going to be protected as we have been told many times before, and it is written in all of the meeting minutes, too.

That's only one of the pictures. In the winter -- I do have some of those, but I'll have to search for them, I'll bring them to the Planning Commission and show them there -- in the winter, we can see through there totally. We are not going to have any type of noise protection, visible protection. 7-foot trees are not going to protect us. My 40-foot ones kind of protect my visual. They do nothing for the noise.
I heard this afternoon down the road someplace a big "clump" of something which is some type of a dump truck or something doing some kind of work. It's not even behind my house, so imagine when it's behind my house what that is going to be like.

Going back, though, to these variances with the zoning board, I'm wondering, first of all, why the ordinance is going to be changed. What was spoken about with this one Lot 56? Those multifamilial homes, apartments, they're 700 feet away from that building that was approved at the 30 feet.

My house, the end of my property line, is going to be 100 feet from that property line with the city -- no, it's 80 with the City's, which will probably become nonexistent, it will be used for something, but let's pretend it doesn't, that's 80 and 50. So the back piece there of my yard that you're looking at, 150 feet away, if I'm lucky, from all of that noise with no protection, with no trees, no noise barrier, nothing at all. That is why we need the maximum on our ordinance protection the 25 feet.

What was the other point? I think that was it that I can recall right now.

So I don't see in here from looking at what I looked at in the city notes that the developer
has proven cause for this ordinance to be changed
other than personal preference for how they wish to
develop their piece of property.

Again, we purchased our homes based upon
an ordinance protecting us. We also purchased our
homes based upon what is there visible for us: a nice
life, we have woodlands, we have a nice quiet
cul-de-sac. All of that will change dramatically.
According to what I've read in the city ordinances, it
is to protect our quality of life along with our
property values. So how is this going to affect our
property values also besides just trying to live next
to light industrial that is supposed to have
ordinances that they must follow? Thank you.

CHAIRPERSON SANGHVI: Thank you.

MR. FERRELL: Ma'am, I have a question for
you, if you don't mind. Mr. Chair, do you mind?

CHAIRPERSON SANGHVI: Go ahead.

MR. FERRELL: So what is it that you're --
the biggest concern? Is it the sound, the visual? I
mean what is it that really is the biggest concern
that you're having with this?

MS. HALLARON: The biggest concern is all
of that, is the sound, the visual. We already have
the noise. We already have visual. I don't have the
lights in the back of my house where the bedrooms are yet, but my neighbor north of me does because there are buildings that are directly behind him. They are not behind me yet. They are to come, probably.

We already hear, like I said, the noise, the sound. Without that berm, which is the tomorrow night's probably talk, we are not going to have any sound or visual protection. We also are at risk with those -- that parking lot right next to it, that parking lot is going to be backed up right to that spot I showed you. Imagine, we already hear squealing wheels, tires. What kind of parties are going to be going on there? I've called the City of Novi about other issues before. By the time they can get there, it's all done and gone for. And I believe my neighbor's going to speak about or already has spoken about finding all kinds of already now partying going on back there on that street.

So there are a lot of concerns besides the noise and the visual as it is bringing a lot of other issues that are going to affect our quality of life, possibly our protection without -- with that small amount of land between us, 150 feet. It is very easy -- and it's very sparse, it's not dense, that's with the leaves from the other side, it's very sparse, it
will continue to die. And I notice the stormwater is coming back into our wooded area, and we have had so many trees die since that street first went in whatever year that was, 2003, 2004, so much has died. I have had four huge trees in my backyard that were not dead but they drowned and they fell over.

There are a lot of things to come from this situation, and thank you for asking. Any other questions?

MR. FERRELL: No, that's it. Thank you.

MS. OPPERMANN: Apparently your mics are not on.

CHAIRPERSON SANGHVI: No, they are. All right, moving on. Mr. Butler, any comment?

MR. BUTLER: The only comment I have is that after conferring with the consultant and all it seems that the developer did take in consideration on how he wants to develop that buffer zone both for sight and visual and some barrier by the additional wall and the trees which are nonexisting right now, but he plans to add that and would give that additional buffer, so it seems like he did take into consideration for the residential.

CHAIRPERSON SANGHVI: Thank you. Any
correspondence?

MR. FERRELL: Yes, Mr. Chair. Eighteen letters mailed, two letters returned.

CHAIRPERSON SANGHVI: (Inaudible).

MR. LANDRY: Thank you, I will be brief. I just want to mention a couple of things.

The only issue tonight is height. Tonight is not about sound, it's not about berms, it's not about parking lots. It's only about height. All of those other issues are for the Planning Commission, not the ZBA.

And the only final thing I'd like to say is, we often hear, and you probably hear more than anybody else, we should probably just strictly apply the ordinance and that's what we're supposed to do and why do they exist if we don't apply them. If that was the test, you wouldn't need a Zoning Board of Appeals, all you'd need is a copy of the ordinance and a tape measure, and that's it.

The ordinance specifically says variances may be granted, and the key -- one of the key elements here is if it would not unreasonably interfere with the adjacent property. It doesn't say if it didn't interfere in any way, shape or form, because there will always be someone that will come up and say, "I
don't want it." The key is reasonableness, that's the key here. Reasonableness. Both sides have to be reasonable.

It's industrial property, it was there before the residential, and as Mr. Butler indicated, we've gone to great lengths. We've met with the Planning Commission. We went back, we huddled up with the Planning Commission, we came back with it. We've done just about everything we can do. We'd ask for the variance. Thank you.

CHAIRPERSON SANGHVI: Thank you. Yes, ma'am.

MS. KRIEGER: Was there anybody else in the audience that wanted to speak?

CHAIRPERSON SANGHVI: Go ahead.

MR. DAMAN: My name is Lathe Daman, and I reside at 30369 Balfour Drive. I am directly behind the site in question.

MR. FERRELL: Are you an attorney?

MR. DAMAN: No.

MR. FERRELL: Raise your right hand.

(Lathe Daman, sworn.)

MR. DAMAN: So there is a couple of things that I would like to bring. First of all, it's the picture. So this is my property right here, and this
is the area that I'm showing additional picture, additional information, and you can see right now there's already evidence of tire screeching or, you know, from other areas. I don't know whether -- this is a conflict going on right now. So if the trees were any barrier, I wouldn't be knowing about those things, I wouldn't know to go take a picture of them.

So, you know, I'm a senior engineer at an automotive. I understand that nothing can block basically the sound. Trees are not a block to block the sound itself. That's one thing.

I went around and I asked residents to basically -- I asked the residents, you know, is this something that you are interested in. And even driving around you can see, because the site in question is sitting at a higher elevation than our homes and you're asking for the building to be even higher, so as you're driving around, you'll probably be able to see it from the cul-de-sac. And I collected about seven signatures and they were all in agreement that we are already hearing a lot of sounds from the current industrial.

In addition -- and here are the seven signatures. I emailed them, too, I believe, okay, and I'm not sure if they were gone through and if it was
But I don't oppose business or anything. I mean I'm actually delighted that a lot of business want to be in Novi, you know, it makes our city much stronger. But let's all abide by the same rules. Let's not have all these ordinances being chipped away every time a new building comes up setting a precedence for the next building to keep chipping all these ordinances away from us.

These were put to safeguard everyone, to have friendly neighbors whether they are business or residential. And when somebody goes above, you know, take, you know, exceptions to these rules, it creates an unfriendly environment between the neighbors. Again, whether it's residential or businesses, the last thing we want is to have unfriendly neighbors, you know, from all aspects.

And I don't believe that, you know, all has been done in the past, therefore, we have to do it again and all that. It doesn't matter. We all are -- we all brought into this property and full aware of these ordinances, and now when it is convenient, we want to overturn these, you know, based on the wishes of future tenant they want a bigger building. They're not even a resident, yet they're making demands to
everybody to change the ordinances.

So, you know, we need to be more practical, in my opinion, and as a community member and all these people voice their opinion, I didn't even finish the three sentences what I wrote here before they grab my pen and they were signing.

So there is a wealth of information, and it only took me 20 minutes after I dropped my kids off to school for the bus to collect these signatures, that was yesterday morning, so it didn't today me a lot of time.

If I was going door to door, I could have got a whole, like, ten pages from voice of the residents. I know they're not here today, but they all have the same voice. It's already loud enough as it is. We don't want more noise, bigger buildings, and I plead with you to uphold the ordinances in place. Thank you. Any questions?

CHAIRPERSON SANGHVI: No. Thank you.

Is there anybody else in the audience who would like to make a comment?

CHAIRPERSON SANGHVI: Please identify yourself, your name and address, and if you're not an attorney --

MS. ROBERTS: I'm not.
CHAIRPERSON SANGHVI: -- please be sworn in by our secretary.

MS. ROBERT: I'm Linda Roberts, I live at 30377 Balfour Drive, Novi, Michigan.

MR. FERRELL: Raise your right hand.

(Linda Roberts, sworn.)

MS. ROBERTS okay. I have quite a few things here, but first I want to start with the Michigan Association of Planning. It's an excerpt from the Community Planning Handbook.

It says, "The Michigan Zoning Enabling Act provides that when considering a variance request the Zoning Board of Appeals must ensure that the spirit of the ordinance is applied, public safety and substantial justice done. The Michigan courts have added that variances should only be granted in cases of unnecessary hardship, and the applicants must demonstrate that their plight is due to unusual circumstances peculiar to that property and that the problem is not self-created." And one more thing, I think. Maybe that's it. Okay.

So I'm feeling like we have a 25-foot regulation for buildings that are going to be next to the neighborhood, and there's plenty of sites left in that industrial park where if that kind of building is
a necessity, there's other sites to choose from. It
doesn't have to be the one that's the very closest to
the homes that we've invested in.

I've got a neighbor who's trying to sell
her house and people are coming through and they're
hearing all this banging coming from the industrial
park that's right next door and she's not getting any
offers. It was a hot market, and we paid premiums for
those lots. I paid $25,000 extra to have the lot I
have, and I was promised that it was sitting on a
protected woodland. And then what do you know, back
in 2003 like we were talking about, or whatever year
it was, the developer tore down all the trees and
threw in winter wheat and said they were farming. And
so nothing happened, of course, and they were able to
take down all the trees and build where they weren't
supposed to be in the first place.

And so this whole thing crept closer to us
at that time than it ever should have been because
those were protected woodlands that were torn down.
Now that's the first thing.

So you can say, okay, it was all
industrial, but those woods were there first before
the industrial park, and they were protected and torn
down without permission, and then they were given --
what is that -- forgiveness afterwards, okay. But we're all dealing with this, though. It's really close. This one is going to be even closer. The building is going to be 11 feet taller than it's supposed to be if you include the stuff that's going to be on the roof. There's going to be lighting coming our way probably from the top of the building, I'm not sure.

We also live in Michigan and that means we have full leaves on the trees like one season. The other three seasons they're either coming out or they're falling off or they're gone, and so most of the time we don't have any sound barrier at all or light barrier. So in the winter when I go on my back porch, I'm already getting -- I can see all the lights from all the parking lots. And they're right, the kids come in and they party and they drive their cars, and it's just going to be all that much closer, which I know there's going to be a building there, but it doesn't need to be that much taller, you know, and it's going to be 67,000 square foot in size which is enormous to me to have that sitting so close to our neighborhood. Anyway, let me run through my other things.

I feel that -- I know you're trying to
work with businesses and I know that you're kind of in
the middle and you have to make these decisions, but
at the same time I don't think that there's a really
big thing to decide here because it's already an
ordinance and you have your community coming to you
saying please do this job for us that we can't do
because we don't have any power to do it, but you do.
And so we're really hoping that you protect our homes
and our kids and our home values and allow us to want
to keep living here. Thank you.

Questions? Okay, thanks a lot.
CHAIRPERSON SANGHVI: Thank you. Anybody
else in the audience who would like to say anything
further? Any more comments?
Seeing none, we'll close the public remark
session now.

Yes, Mr. Secretary.

(Off the record discussion.)

MR. LANDRY: I had thought they were all
finished when I made my remarks. I didn't realize
that they were (unintelligible, talking in
background), but I just won't take up much more time
at all. I just want to say two things.

The community is before you tonight.

We're part of the community, too. We're business
residents, we pay taxes. We rely on the ordinances, too.

Adjacency matters are always matters of reasonableness. Always. I sent letters in August to all three of the residents who spoke to you tonight, I sent them all letters and said we've made additional changes, as Mr. Butler's indicated. Please call me, I'd like to show you the additional changes. Nobody called me. I want to show you the evergreens, not deciduous, evergreens that we planted. Nobody called me. You're familiar with it. It's just a situation where they don't want anything.

We're trying to be reasonable. The ordinance provides for reasonableness. We're only asking for a building 5 foot higher. Thank you.

CHAIRPERSON SANGHVI: Thank you. Yes.
UNKNOWN SPEAKER: Can we comment on these letters that were sent to us?
CHAIRPERSON SANGHVI: Yes, come and talk here at the podium.

MS. SAARELA: Are you reopening the public hearing? Are you going to reopen the public hearing because you already closed the public hearing?
CHAIRPERSON SANGHVI: Yes, we already closed the public hearing. I requested if anybody had
to say anything and I didn't get any -- see any
response.

UNKNOWN SPEAKER: No, I'm only responding
since -- I can speak to you personally later.

CHAIRPERSON SANGHVI: We can't go on like
that, but thank you.

UNKNOWN SPEAKER: That's not a problem
because we were falsely accused.

CHAIRPERSON SANGHVI: Thank you. Okay,
Mr. Secretary, was there any correspondence?

MR. FERRELL: I already read them.

CHAIRPERSON SANGHVI: You already read
them?

MR. FERRELL: Yes.

CHAIRPERSON SANGHVI: Very good. Now we
will open up to the board. Yes, Ms. Krieger.

MS. KRIEGER: I have a question for the
business.

What were the hours of operation and -- or
their planned hours of operation so like speaking to
the winter events with the lights and noise?

MR. LANDRY: Great question. My
understanding is the hours of operation are basically
7:00 in the morning until when -- 6:00 p.m.

MS. KRIEGER: And it's anticipated it is
office versus laboratory versus noise?

MR. LANDRY: Yes. Laboratory on the first floor, the offices are on the second floor. The expected hours of operation are 6:00 p.m. to -- 6:00 a.m., 7:00 a.m. to 6:00 p.m.

MS. KRIEGER: And deliveries is the same?

MR. LANDRY: Exactly, exactly.

MS. KRIEGER: Thank you. I appreciate the excellent presentation by Mr. Landry. I appreciate the comments from the residents. I'm also a long-term resident, and in the house before the house that I live in now, they did not have a subdivision to its east, and then they built it and, therefore, the neighbors moved out, so I completely understand having a quiet area with no land, but being aware.

I also heard a previous statement "location, location, location" so that when you're buying in an area you realize who the neighbor in the future is going to be. It is excellent to have a subdivision of offices in the city as well as a subdivision of residents, and the two need to get along.

And this presenter has done due diligence with their paying attention to the needs of what it would be like to present to the neighboring
subdivision, and the request is minimal for 5 feet. They're going to be putting in evergreens so that there will be a visual impedance with the area as well as concrete for vehicles driving. So since as I well know as well that in the wintertime you can see through everything when the leaves fall, I'm sure that the chief of our public safety will investigate, I know if there were complaints written in, that we can ask for that, for them to investigate the area for noises, and so I do not have an issue with the height request.

CHAIRPERSON SANGHVI: Thank you. Anybody else? Yes, Mr. Bywra.

MR. BYRWA: Yes, I have a question for Mr. Butler.

Mr. Landry, in the beginning of his presentation, referred to a gable building height. And is that measurement -- normally on a flat roof you use the actual building height. Is the gable and the actual building height the same thing here?

MR. BUTLER: It actually doesn't differ. In the code it says 25 feet. We're just going to call it the way we look at it it's the same.

MR. BYRWA: Okay, thank you.

CHAIRPERSON SANGHVI: Anybody else? Yes,
Mr. Peddiboyna.

MR. PEDDIBOYNA: Thank you, Chairman.

Mr. Landry, what about the traffic period time? Do you know in the area about the traffic, what time is the peak time?

MR. LANDRY: Your question is about traffic, sir? I'm sorry.

MR. PEDDIBOYNA: Yes.

MR. LANDRY: And it is? I didn't hear you.

MR. PEDDIBOYNA: Yes, the traffic.

MR. LANDRY: You just want me to address traffic?

MR. PEDDIBOYNA: Yes.

MR. LANDRY: The traffic, as I had indicated, I can get the site, it will be for employees and whatever they're delivering, whatever materials are needed for the research and development doesn't anticipate a manufacturing site.

The traffic would be on the western part of the site. There was a portion on the southern part for parking, employee parking. That's where we're putting in the southeast corner the wall to address headlights. And, in fact, the Planning Commission's specifically requiring us to prove that it's 6 feet
above the parking lot to specifically avoid lights.

There's no loading on the entire east side of the building, only a man door, no loading doors. We are also restricting no trucks on the eastern side of the site. There will be no delivery trucks or anything. That will all be on the northwestern part of the site. The only traffic that will be there will be employee traffic and whatever truck traffic will be necessary to deliver whatever goods are necessary for the research and development.

MR. PEDDIBOYNA: Thank you, sir.

MR. FERRELL: Don't sit down yet. I've got a question for you.

What kind of lighting is going to be on the back of the building?

MR. LANDRY: Lighting on the back of the building?

UNKNOWN SPEAKER: (Unintelligible, not at mic), yes. (Unintelligible) LED.

MR. FERRELL: At the very top, middle, I mean, where are you putting that?

UNKNOWN SPEAKER: (Unintelligible, not at mic). They're probably at an elevation of about 12 feet.

MR. FERRELL: So they're not --
UNKNOWN SPEAKER: (Unintelligible, not at mic). They meet the photometric standards of the city ordinance.

MR. FERRELL: So less than halfway up?

MR. LANDRY: They have to. Planning Commission will demand that we meet the photometric. We have a totally separate photometric plan submitted and they absolutely have to do that or we won't get site planned.

MR. FERRELL: Thank you.

CHAIRPERSON SANGHVI: Anybody else?

My comment personally would be, I went and saw the place and sat around and looked around to see. I couldn't find it very easy to see through all the woodlands over there and into the other subdivision from where I was in the parking lot of this property, but I empathize with all the comments made by the residents.

And our job here this evening is to recommend whether this should be allowed subject to the approval by the Planning Commission and presentation of the plans, so nothing is final in that respect.

Having all said that, if there is any -- no further discussion, I --
MS. SAARELA: Could I just make one comment? Can I just note that any motion that you make that's an approval, that it be subject to Planning Commission granting both site plan approval and special land use approval.

CHAIRPERSON SANGHVI: That's exactly what I meant, yes, thank you.

I will entertain a motion. Go ahead, Ms. Krieger.

MS. KRIEGER: I move that we grant the variance in Case No, PZ17-0021, for 46480 Nadlan Court, east of Beck and south of Pontiac Trail, to allow the height of a proposed 30 feet 8 inch building to increase by 5 feet 8 inches, maximum height allowed is 25 feet. This property is zoned Light Industrial. The applicant has shown practical difficulty with their area that they need this height, as explained by Mr. Landry. That without, the petitioner will unreasonably be prevented and limited with use of their property because the first floor being for lab and the second floor for offices. The property is unique because of its placement, and the topography and location, the petitioner did not create the condition because of its location that is already in existence of the mature woodland and number of
other measures. That he stated through the Planning Commission that they'll be working with taking care of light, the buffer with the wall for lights, concrete wall, the trees, that they will maintain the trees for visual and sound.

The relief granted will not unreasonably interfere with adjacent and surrounding properties because of the 5 feet in height will be taken care of with surrounding and abutting trees.

The relief is consistent with the spirit and intent of the ordinance related to this office being in an office park or office subdivision. The grant is within the spirit and intent of the ordinance.

CHAIRPERSON SANGHVI: Thank you.

MS. KRIEGER: And is subject to the granting of preliminary site plan and special land use approval through the Planning Commission.

CHAIRPERSON SANGHVI: Special land use.

Thank you. Anybody second?

MR. FERRELL: I'd like to add something to that, if I may.

Just that the property in question has been zoned industrial prior to residential properties that were initially established after.
MS. KRIEGER: Yes.

CHAIRPERSON SANGHVI: Well, she accepts your amendment. Second?

MR. FERRELL: Second.

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

Seeing none, Madam Secretary.

MS. KRIEGER: Yes.

MR. LANDRY: Could I just have a point of clarification? As I understood it, because I don't want to have to come back, the motion is for the building 30 feet 8 inches, but also to allow rooftop units on top?

MS. KRIEGER: Yes.

CHAIRPERSON SANGHVI: Correct.

MR. LANDRY: Thank you.

CHAIRPERSON SANGHVI: Madam Secretary, please call the roll.

MS. OPPERMANN: Member Byrwa.

MR. BYRWA: Yes.

MS. OPPERMANN: Member Ferrell.

MR. FERRELL: Yes.

MS. OPPERMANN: Member Krieger.

MS. KRIEGER: Yes.

MS. OPPERMANN: Member Peddiboyna.
MR. PEDDIBOYNA: Yes.

MS. OPPERMANN: And Chairperson Sanghvi.

CHAIRPERSON SANGHVI: Yes.

MS. OPPERMANN: Motion passes.

CHAIRPERSON SANGHVI: Thank you. The motion is approved. Thank you.

We move on to the second case on the agenda, PZ17-0042, Mr. Anthony M. Virga, 1607 East Lake Drive, west of Novi Road and north of Thirteen Mile Road, Parcel No. 50-22-02-355-018.

MR. PEDDIBOYNA: That was postponed.

That's tabled to next month.

CHAIRPERSON SANGHVI: It is tabled, right.

Sorry, sorry, sorry.

Moving on to the next one. PZ17-0043, Oak Electric/Fujitsu 10, 30155 Hudson Drive, east of Beck Road and south of W. Trail, Parcel No. 50-22-04-152-024.

The applicant is requesting a variance from the City of Novi Zoning Ordinance Section 4.19.2.A for installation of a side yard generator on the north side of the setback of the building and the property is zoned Light Industrial.

Will you please identify yourself with your name and address, and if you are not an attorney,
be sworn in by our secretary.

I'm not an attorney.

MR. FERRELL: Do we need the spelling of his name?

THE REPORTER: Yes.

MR. FERRELL: Would you spell your first and last name.

MR. PIPIA: Gary Pipia, P-i-p-i-a, with Oak Electric.

MR. FERRELL: Raise your right hand.

(Gary Pipia, sworn.)

MR. FERRELL: Go ahead.

MR. PIPIA: We are asking for a variance for a side yard generator in an industrial complex. I contacted the Planning Department, I asked them if we could put it in the -- I guess it's really -- I don't even know if there is considered -- oh, is that thing working? I don't even know if this is even considered a rear lot, but they said I couldn't put it there because of a parking issue. So they told me really the only area I could put it was right here in the side yard; it's like a little greenbelt right on the side.
So the proposed location here I guess it's side yard, but I don't think you could see it from the roadway if we were to put up evergreen screening or some kind of a fence, but I don't know what any other options there are for a generator location on this site so that's why we're here.

CHAIRPERSON SANGHVI: Okay, thank you. Is there anybody in the audience who would like to make a comment about this case?

Seeing none, we will close the public comment section. And the city, Mr. Butler.

MR. BUTLER: Speaking to the gentleman from Oak Electric, you said that there was going to be some screening around the -- you're going to try to put some foliage screening around the generator once it was installed; is that correct?

MR. PIPIA: Yeah. The plan is 4-foot arborvitaes just tall enough to screen it from -- the generator itself is 46 inches, I think.

MR. BUTLER: Thank you. Reviewing the plans, it was noted that there is limited possibility of where they could put that, that would be the only logical site for it to go, and besides putting the screening stuff would help shield that from the public eye. There doesn't seem to be too many other business
serve residential that would hear that noise projected outward.

CHAIRPERSON SANGHVI: Thank you.

Mr. Ferrell, any correspondence?

MR. FERRELL: Twenty letters mailed, three letters returned, zero approval, zero objections.

CHAIRPERSON SANGHVI: Thank you. I will report my penny's worth of comment.

I went and saw your place, drove around, and I don't see any other place to put it than where you are planning to put it. So I have no problem with your request. Thank you.

I'll open up to the board. Yes, Ms. Krieger.

MS. KRIEGER: Question. How tall is the generator versus the arborvitaes you want to put in?

MR. PIPIA: 46 inches. We can put in anything you guys would want. I mean I originally said 4 feet tall, 48 inches, but if they need to be 5 feet or 6 feet --

MS. KRIEGER: Okay, thank you.

CHAIRPERSON SANGHVI: Anybody else?

MR. FERRELL: What are the properties around it, I guess? I don't really know from the map.

MR. PIPIA: It's another, you know,
another industrial type of building to the north.

MR. FERRELL: Okay.

MR. PIPIA: It's, you know, a very quiet generator, 68 decibels, so, you know, like a car idling.

MR. FERRELL: Okay, thank you.

CHAIRPERSON SANGHVI: Anybody else? Yes, Mr. Peddiboyna.

MR. PEDDIBOYNA: Thank you. Are you planting any pine trees or anything surrounding the generator?

MR. PIPIA: The arborvitaes -- you mean in addition to that?

MR. PEDDIBOYNA: Yes.

MR. PIPIA: I didn't plan on it. You mean like landscaping type of a -- no.

MR. PEDDIBOYNA: Okay.

CHAIRPERSON SANGHVI: Thank you. Anybody else?

Okay, I will entertain a motion. Yes, Mr. Ferrell.

MR. FERRELL: Thank you, Mr. Chair.

I move that we grant the variance in Case No. PZ17-0043 sought by the petitioner for the installation of a generator because the petitioner has
shown practical difficulty requiring the generator --
I'm sorry I didn't catch why. Is there a specific
reason why you guys want the generator? Obviously I
know what it's for.

MR. PIPIA: The company Fujitsu 10 needs
it. That's there, I guess, their main server for the
country and they need to have it.

MR. FERRELL: Oh, it's for their server,
okay.

MR. PIPIA: It's for the server room for
their backup for their entire US operations.

MR. FERRELL: Thank you.

Without the variance, petitioner will be
unreasonably prevented or limited with respect to the
use of the property. The property is unique due to
limited possibilities for installation of the
generator.

Petitioner did not create the conditions
because of the shape and location of the property.
There's industrial properties around the location as
well. The relief granted will not unreasonably
interfere with adjacent or surrounding properties.

The relief is consistent with the spirit
and intent of the ordinance, and also that petitioner
has said that they will plant 4-foot arborvitaes
around a generator, and the general was rated at 68
decibels in sound.

    For that reason, I move that we grant the
    variance in this case.

CHAIRPERSON SANGHVI: Thank you.

MR. PEDDIBOYNA: I second.

CHAIRPERSON SANGHVI: Second, thank you.

Any further discussion?

Seeing none, Madam Secretary, please call
the roll.

MS. OPPERMANN: Member Byrwa.

MR. BYRWA: Yes.

MS. OPPERMANN: Member Ferrell.

MR. FERRELL: Yes.

MS. OPPERMANN: Member Krieger.

MS. KRIEGER: Yes.

MS. OPPERMANN: Member Peddiboyna.

MR. PEDDIBOYNA: Yes.

MS. OPPERMANN: And Chairperson Sanghvi.

CHAIRPERSON SANGHVI: Yes.

MS. OPPERMANN: Motion passes.

CHAIRPERSON SANGHVI: Thank you.

MR. PIPIA: Thank you.

CHAIRPERSON SANGHVI: We will move to the
next case, PZ17-0044, Patrick O'Fiara, 231600 Mystic
Forest, east of --

MR. PEDDIBOYNA: West of.

CHAIRPERSON SANGHVI: It should be east of Novi Road and south of Ten Mile Road, Parcel 50-27-277-002.

The applicant is requesting a variance from the City of Novi Zoning Ordinance Section 3.1.5 for a 9-foot variance for a proposed rear yard setback of 26 feet, 35 feet required, and to allow construction of a proposed new screened-in deck. This property is zoned Single-Family Residential.

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

MR. O'FIARA: My name is Patrick O'Fiara, I live at 23160 Mystic Forest, and I am not an attorney.

MR. FERRELL: Raise your right hand.

(Mr. O'Fiara, sworn).

MR. O'FIARA: So I'm requesting a 9-foot variance in the rear of our property. We back to a wooded -- or a protected woodlands, and I recently contracted vitiligo, which means I'm not supposed to be in the sun. We had a paver patio there that needs to be taken down and the screened-in patio is going to
be much smaller than that.

I know the petition went around to the neighbors. I brought two letters that the neighbors on either side of me wrote saying that they don't have any issues with it. In my particular case, Mystic Forest is kind of a curved road so nobody else sees our backyard besides our two next door neighbors.

So I am asking for a 9-foot variance. The contractor we selected, Coy Construction, has built at least a dozen screened-in patios in our subdivision. We selected him because he has a great attention to detail and when he gets done, it looks like it's part of the house, so that's why I'm applying for this.

CHAIRPERSON SANGHVI: Thank you. Is there anybody in the audience who would like to make a comment about this case?

Please come forward to the podium, identify yourself with your name and address, and if you are not an attorney, please be sworn in by our secretary.

MR. LIU: Good evening. My name is Zhengyu Liu. I live in --

MR. FERRELL: Can you spell your name for us?

MR. LIU: Zhengyu Liu, z-h-e-n-g-y-u, last
name L-i-u. I live at 23410 Duchess Court, and I would just like --

MR. FERRELL: You're not an attorney?
MR. LIU: No.
MR. FERRELL: Raise your right for me.
(Zhengyu Liu, sworn).
MR. FERRELL: Go ahead.
MR. LIU: So I think this gentleman has like, I guess, a patio facing my house. So my biggest concern is kind of like I feel like uncomfortable, so feel some loss like privacy because my neighbor's backyard (unintelligible), so kind of like I think maybe just on the bottom like ordinance.

So I'm worried about the sun room, screened sun room like maybe you have to remove the tree begin to property line. So also the sun room/screen room kind of facing my kitchen and look -- actually we use the nook and everything, breakfast, dinner, especially weekend we family sitting together reading newspapers, talking. This is the kind of screening room kind of like especially like other people mention so like fall, wintertime, especially all the leaves is gone, you can see through each other. So kind of like being watched or look (unintelligible) just my concern.
So that's why I said like I don't, like I said, fully objection, even I put objection, but my concerns, my suggestion is absolutely no tree be removed from the property line. That's my suggestion.

Second one like I think if you, like I said, because of the sun room is a kind of screen room, right? So my suggestion maybe put some like greenbelt or evergreen because the neighbors are like -- backyard I don't know if people look in it (unintelligible), so that sun room going to be close to the property line, very, very close, maybe just few feet.

That's the reason I bought the house, like I said, 14-15 years ago because of the privacy. So that's my comments.

CHAIRPERSON SANGHVI: Okay, thank you. Is there anybody else that would like to make a comment?

Yes, come to the podium, identify yourself, your name and address.

MR. KUJAWA: My name is John Kujawa, I live at 23438 Duchess Court.

MR. FERRELL: Would you spell your last name?

MR. KUJAWA: K-u-j-a-w-a.

MR. FERRELL: Raise your right hand.
(John Kujawa, sworn.)

MR. FERRELL: Go ahead.

CHAIRPERSON SANGHVI: Thank you. Go ahead.

MR. KUJAWA: Anyway, my property backs up to the property that's going to be applying for the variance, and I object to that variance because it's getting too close to the property line. I submitted that in my comments. And like the other -- my neighbor said, when the trees lose their leaves, we lose our privacy as it is, and our greenbelt back there is only maybe 4, 5 feet wide, okay. So it's not a wide greenbelt, and the homes are very close together as it is. So if you give them the variance, it's going to get even closer to the property line. And those are my comments. I think it would be too close so I hope you don't waive the variance. Thank you.

CHAIRPERSON SANGHVI: Thank you. Anybody else? Go ahead.

MR. LIU: I agree with what other gentleman has mentioned. The ordinance as I see, maybe my English language is not so good, I see ordinance as kind of like law. So why like we keep like give in like ordinance? That's my comment.
CHAIRPERSON SANGHVI: Okay, thank you. Anybody else? Any further comments by anybody else before I close the public remarks section? No. Thank you.

All right, Mr. Butler, any comments?

MR. BUTLER: No comment.

CHAIRPERSON SANGHVI: No comment, thank you.

Mr. Secretary, any correspondence?

MR. FERRELL: Yes, Mr. Chair. There was 33 letters mailed, three letters returned, one approval and two objections.

First approval is from James M. McDonough, 23154 Mystic Forest. "I live next door and give Pat full approval."

The next is an objection by Zhengyu Liu, Y-s-p-i-n-g, C-h-e-n, at 23410 Duchess Court, Novi, Michigan 48375. It says, "Concerns: We are uncomfortable of potentially being looked straight from a screened room since our kitchen window and nook will be facing the screened room. Neighbor's backyard is narrow and we feel the loss of privacy.

"Suggestion: Absolutely no existing trees or bushes to be removed and adding a greenbelt, evergreen trees as privacy barrier or revise the
screened room to the southwest side of the backyard."

The other one is another objection by John M. and Nancy D. K-u-j-a-w-a, 23438 Duchess Court. "I object to the variance because it would be too close to the property line." And that is it.

CHAIRPERSON SANGHVI: Thank you. I was there earlier in the day and looked around your property. You have a very big home. Most of the homes are very big for the size of the lots and they appear to be closer than you think, I agree with you that they are. But I also looked around in the back, and from my vantage point, if they are going to have a deck it needs a screen because I know that a lot of mosquitoes and insects around here. I live in Novi, I have lived in Novi for 42 years, and we all face those insect problems during the summertime.

Beyond that, I will leave it to the rest of the board to decide. Please open up to the board.

Any comments from anybody? Yes, Ms. Krieger.

MS. KRIEGER: A question for the city. They're saying that it's too close to the next property, but if the -- if the deck is already there and he wants to enclose it, is that --

MR. BUTLER: That doesn't necessarily make it any closer. He already has a deck already there.
He wants to cover it up if he's using the same
dimension as the existing patio.

    MR. KUJAWA: No, he's not. He's asking
for a variance, sir, a 9-foot variance.

    MS. KRIEGER: I'm sorry, sir, but could
you come up to the podium, please?

    MR. O'FIARA: Yes. The dimension of the
screened-in enclosure is going to be less than the
brick paver patio that's there now.

    MS. KRIEGER: Will there be any trees
removed?

    MR. O'FIARA: No. I was under the
impression that that was protected wetlands and that I
can't remove any of those trees.

    MS. KRIEGER: And so your intent would be
for a four season room to be out for mosquitoes or is
it going to be like noise or --

    MR. O'FIARA: A three season room. It
will be a screened-in porch. There won't be any heat
out there.

    MS. KRIEGER: Okay. And then do you have
screening planned for, like, with the neighbors?
Because I'm feeling for their concern as well that I
don't know if their views are going to be obscured by
this or why the worry.
MR. O'FIARA: I appreciate their concerns. That protected wetlands is probably 6 feet wide and it's a combination of evergreen trees and deciduous trees. So the trees -- the deciduous trees, they drop their leaves.

MS. KRIEGER: So this is the only place that you can put this enclosure?

MR. O'FIARA: The other side is a bedroom. This is right off the kitchen, there's a doorwall there. Yes, this would be the only logical place to put it.

MS. KRIEGER: And also does Mystic Forest have a homeowners association?

MR. O'FIARA. Yes.

MS. KRIEGER: Did you have any discussion with them?

MR. O'FIARA: Yes. And when I applied for the variance, I had to have authorization from the homeowners association to even apply for the variance.

MS. KRIEGER: We didn't get a letter from them. Do you have something that you could send or --

MR. O'FIARA: When I applied for it, the girl in the office has all that paperwork.

MS. KRIEGER: So the city has the letter from the homeowners association?
MR. BUTLER: Normally it's put in the folder if we have it.

MS. OPPERMANN: Right. It's possible it was included in the original application, but not in the ZBA one. I'd to check through the file.

MS. KRIEGER: So then I'm at a loss here because I appreciate your need, but appreciate their need, so to come together I don't know if we need to table it or I'd like to hear from my fellow colleagues.

MR. KUJAWA: I have a question.

MS. KRIEGER: You have to wait, sir, I'm sorry.

CHAIRPERSON SANGHVI: Thank you. Anybody else have any comments?

MR. FERRELL: I have a question. Are you changing the footprint of your deck?

MR. O'FIARA: Making it smaller.

MR. FERRELL: You're making your deck smaller and you're just adding the sun room on top of that?

MR. O'FIARA: That's correct.

MR. FERRELL: So there's no more encroachment into the yard? I guess I'm a little confused.
MR. O'FIARA: There's a patio there now without any walls. I'm adding a screened-in -- I'm taking out the patio and putting in a screened-in porch that's smaller than what's there now.

MR. FERRELL: So your deck -- it's going on top of your deck. So you're not adding to your deck? You're not going further deeper into your yard?

MR. O'FIARA: No, no.

MR. FERRELL: Okay, I just wanted to make sure because I was a little confused by what he was saying. Thank you.

CHAIRPERSON SANGHVI: Yes, Mr. Peddiboyna.

MR. PEDDIBOYNA: I have a question.

MR. KUJAWA: Then why does he need variances if he's not --

MS. KRIEGER: Sir, you're not -- public input is over right now.

MR. PEDDIBOYNA: Excuse me. Can the applicant come back?

MS. KRIEGER: Could you come to the podium? Do you want --

MR. PEDDIBOYNA: Yes, I have question.

MS. KRIEGER: No, your neighbor.

MR. PEDDIBOYNA: You're not removing the plants; am I right?
MR. O'FIARA: Pardon me?

MR. PEDDIBOYNA: You are not removing any trees on the existing ones?

MR. O'FIARA: That's correct.

MR. PEDDIBOYNA: Thank you.

MS. KRIEGER: Did you have a question for the other neighbor?

MR. PEDDIBOYNA: No.

MR. KUJAWA: Could I make a statement now?

MS. KRIEGER: Yes, sure, make a statement.

CHAIRPERSON SANGHVI: That's fine. Please be seated.

MS. KRIEGER: No, he --

CHAIRPERSON SANGHVI: Oh, he wants to make a comment?

MS. KRIEGER: Yes.

MR. KUJAWA: Well, I don't understand why we have to have a variance then if he's not expanding his deck.

MS. KRIEGER: It's for enclosing.

MR. KUJAWA: The way I understood it to be is the variance is because it's coming closer to the property line by 9 feet. That's why I understand they need a variance.

MR. FERRELL: It's the roof line, yes.
MR. O'FIARA: That's the way I read it. Am I confused?

MS. SAARELA: It's because they're adding a roof to it. It doesn't count as needing a setback when it's just a paver patio. Once you make it is structure with a roof, you have to measure from the setback in the back.

So when you have a patio, it's not measured from the setback, but when you make it into a structure, then we have to look at what the setbacks are under the ordinance and that's why there's a variance required.

So even though it's not coming closer, it's a different type of thing than a patio. It's not considered the same way under the ordinance.

MR. FERRELL: So he's not coming closer to the property line, he's just putting a structure on top of the deck?

MR. KUJAWA: Well, I still object because there's an ordinance and that's why we have an ordinance.

MS. KRIEGER: All right, thank you.

CHAIRPERSON SANGHVI: Thank you. Okay, anybody else? No further discussion, I will entertain a motion.
MR. FERRELL: I move that we grant the
variance in Case No. PZ10-0044 sought by the
petitioner for adding a sun room onto his existing
deck.

Did I say I approve? Did I say that?

MS. KRIEGER: Yes.

MR. FERRELL: Okay. Without the variance,
the petitioner will be unreasonably prevented or
limited with respect to the use of the property.
Petitioner stated that -- was that per a physician
that you were not allowed to be in the sun? I don't
remember.

MS. KRIEGER: Yes.

MR. O'FIARA: Vitiligo.

MR. FERRELL: Linda, what is it called?
Can you put that on the record.

MS. KRIEGER: Vitiligo.

MR. FERRELL: Vitiligo. The property is
unique because of the shapes of the property.
Petitioner stated that no one really sees the back of
his yard due to the greenbelt which is 4 to 5 maybe
even 6 feet in width.

Variance is for not in addition to the
deck but to add on to the deck going up which the
variance is required for because it's an enclosed
structure, 9-foot variance. The relief granted will
not unreasonably interfere with adjacent or
surrounding properties. The relief is consistent with
the spirit and intent of the ordinance.

CHAIRPERSON SANGHVI: Thank you. Anybody 
second?

MS. KRIEGER: Second.

CHAIRPERSON SANGHVI: Again, the motion
and has been seconded. Now, any further discussion on
this?

No? Okay, none. Madam Secretary, please
call the roll.

MS. OPPERMANN: Member Byrwa.

MR. BYRWA: Yes.

MS. OPPERMANN: Member Ferrell.

MR. FERRELL: Yes.

MS. OPPERMANN: Member Krieger.

MS. KRIEGER: Yes.

MS. OPPERMANN: Member Peddiboyna.

MR. PEDDIBOYNA: Yes.

MS. OPPERMANN: And Chairperson Sanghvi.

CHAIRPERSON SANGHVI: Yes.

MS. OPPERMANN: Motion passes.

CHAIRPERSON SANGHVI: Thank you.

MS. KRIEGER: Thank you, just meet with
the Planning Department.

CHAIRPERSON SANGHVI: Moving on to the next case. PZ17-0045, Jennifer Cooper, 131 Rexton Street, east of West Park Drive and south of W. Pontiac Trail, Parcel No. 50-22-03-128-006.

The applicant is requesting variances from the City of Novi Zoning Ordinance Sections 3.1.5 for a 16 variance for a 14 foot proposed front yard setback and 30 feet minimum required, and a 5-foot variance for a 20 foot side yard setback, 25 feet minimum required for that area to allow for a proposed second-story addition and covered porch. This property is zoned Single-Family Residential (R-4).

Will you please identify yourself, give your name and address, and if you're not an attorney, please be sworn in by our secretary. Please go ahead.

MS. COOPER: My name is Jennifer Cooper. My address is 131 Rexton Street in Novi, Michigan, and I am not an attorney.

MR. FERRELL: Raise your right hand.

(Jennifer Cooper, sworn.)

MR. FERRELL: Go ahead.

MS. COOPER: We are looking to put a second story on our house, an addition to the front. We are looking to put a porch on the front of our
house. We were asking for a 16-foot variance in the front of our home.

We live in an older neighborhood. Our house is only 850 square feet right now which is why we're asking to make a pretty large addition. Most of the homes in our neighborhood have put on second stories and bumped out sides of their homes so it's not uncommon.

And the 5-foot variance on the side of the yard we're not asking to add any sort of addition to the side of our home. We're just going up to the second story above the house and then above the garage and then a bump-out in the front.

CHAIRPERSON SANGHVI: Okay, thank you. Is there anybody in the audience who would like to make a comment about this case?

Seeing none, we'll close the public remark section. Mr. Butler.

MR. BUTLER: Looking at the prints are not due to the unique size of the lot and house, they have no other recourse but to go up, so --

CHAIRPERSON SANGHVI: Okay.

Mr. Secretary, any correspondence?

MR. FERRELL: Yes, Mr. Chair. There's 57 letters mailed, zero letters returned, three approvals
and zero objections.

The first approval is from Yousef, Y-o-u-s-e-f, it looks like Abu, A-b-u, A-y-y-a-s-h, at 1586 Rexton Street; just an approval.

The next approval is from Roger L. Curtis, C-u-r-t-i-s, the Second. The address is 1192 West Lake Drive; it's an approval.

The third one is from Michelle M. Wood at 1418 West Lake Drive, Novi, Michigan 48377. That's it.

CHAIRPERSON SANGHVI: I came and visited your place. I also want to commend you for all the photographs and everything you have enclosed in the application. And as Mr. Butler stated, these are very small lots and there is nothing, as you mentioned, you can do about it without some variances, and I understand your hardship and I have no difficulty in supporting you.

I'll open up to the board. Go ahead, Ms. Krieger.

MS. KRIEGER: I agree. I just have a question. Do you plan on keeping that tree in the back?

MS. COOPER: In the back yard, yes. Yes, we want to keep all of our trees.
MS. KRIEGER: Okay, thanks.

CHAIRPERSON SANGHVI: Yes, Mr. Peddiboyna.

MR. PEDDIBOYNA: What is the square foot of the second floor?

MS. COOPER: The second floor will be the same square footage that we currently have in our home so 850 square feet.

MR. PEDDIBOYNA: Okay, I have no issue. I wish you good luck.

MS. COOPER: Thank you.

CHAIRPERSON SANGHVI: Thank you. Anybody else?

Well, no further discussion, I will entertain a motion.

MS. KRIEGER: Joe's turn.

MR. FERRELL: It is Joe's turn.

CHAIRPERSON SANGHVI: Go on, please, one of you.

MR. FERRELL: Do you want to do it or do you want me to do it?

CHAIRPERSON SANGHVI: Go on, Linda.

MS. KRIEGER: In Case No. PZ17-0046 -- wait, 0045 for Jennifer Cooper on 131 Rexton Street, I move to grant the variance for the front 16 variance for a 16 variance for a 14 foot proposed front yard
setback, 30 feet minimum required, 5-foot variance for
a 20 foot side yard setback and 25 feet minimum
required to allow for a proposed second-story addition
and covered porch and its single-family residential.

The petitioner has given us excellent
pictures and diagrams for what she plans, and in
keeping the trees and making the property enhanced
which would be unique because of where the property is
located the topography and landscaping is not
self-created, and that the relief grant will not
unreasonably interfere with adjacent or surrounding
properties, will enhance them, and is consistent with
the spirit and intent of the ordinance.

MR. FERRELL: Second.

CHAIRPERSON SANGHVI: Thank you. Any

further discussion?

Seeing none, Madam Secretary, please call
the roll.

MS. OPPERMANN: Member Byrwa.

MR. BYRWA: Yes.

MS. OPPERMANN: Member Ferrell.

MR. FERRELL: Yes.

MS. OPPERMANN: Member Krieger.

MS. KRIEGER: Yes.

MS. OPPERMANN: Member Peddiboyna.
MR. PEDDIBOYNA: Yes.

MS. OPPERMANN: And Chairperson Sanghvi.

CHAIRPERSON SANGHVI: Yes.

MS. OPPERMANN: Motion passes.

CHAIRPERSON SANGHVI: Thank you.

Next case, PZ17-0046, Michael A. Southen/Display Max, 44425 Twelve Mile Road, west of Novi Road and north of Grand River, Parcel 50-22-15-200-112.

The applicant is requesting a variance from the City of Novi Code of Ordinances Section 28-5 for a variance of 150 square feet to increase the existing 104 square foot wall sign to 254 square feet, 250 square feet maximum allowed. The property is zoned Regional Center.

If the applicant is here, will you please identify yourself and state your address, and if you're not an attorney, please be sworn in by our secretary.

MR. SOUTHEN: Okay, I'll be happy to. My name is Michael Southen, and I'm with Signature Associates, and I'm here on behalf of the Imagine Entertainment for this request, and my address is 67 -- 6576 -- we just moved -- Timber Ridge, Bloomfield Hills, Michigan 48301.
MR. FERRELL: Are you an attorney?
MR. SOUTHEN: No.
MR. FERRELL: Raise your right hand.
(Michael Southen, sworn.)
CHAIRPERSON SANGHVI: Thank you. Go ahead.
MR. SOUTHEN: So as I said, I'm here on behalf of Imagine, and many of you may know about the project that's going on right now over at the Imagine Theater in Novi and perhaps you've seen this construction. That is what is called the EMAX large format premium theater, and it is going to be the largest theater of its kind in the state of Michigan. The screen is going be about 5 stories tall and about 90 feet wide and it is going to be something to behold. It will be two 4K laser projectors just to be able to cover the screen in that venue so it's going to be very special.
And the building itself is -- I want to show you kind of an elevation of it. Let's see, get this thing turned correctly here. The colored element in the center here is the areas under construction right now, and that was formally two smaller screens that have been eliminated and we're using that space and then actually extending out a ways to get the size
of the theater to the dimensions that we need. And I
have a picture of the auditorium that will give you
some feeling for that. I don't know that I have that
here. I thought I did. And in any event, it's going
to seat, I think, about 350 in all, power-reclining
seats. So this is going to be probably what we
believe will be kind of a regional draw for movies, it
will be that special.

And one of the things that we've found
with the scale of this building is -- I'm going to
turn this so that we have Twelve Mile on the north.
Originally on the original building I believe the
height of the wall in that area was about 33 feet.
This new section that's being constructed is going to
be approximately 53 feet in height, so it's a much
larger wall area than we had before. And I believe
originally there was a variance of about 104 square
feet for the sign that was on the building, but that
was a little bit of a challenge because the sign
itself was really hard to see from Twelve Mile Road,
and we had another sign on the expressway side which
that's visible only from the expressway, and then the
third sign faces into the mall where the Lucky Strike
is and the restaurants and so forth. So it really
isn't good in terms of guests coming in a way finding
sense.

So when we were originally talking about this with the Planning Department, I mentioned to the planner that one of the things that would make sense to us in the context of the size of this building would be to increase the size of the sign somewhat to keep it in proportion, and so this is where we come to this plan that we're proposing today.

This is an increase now from the 104 square foot side variance we originally had, which was really very hard to see even once you got into the parking field. This one is about 254 square feet and more in keeping with the proportion of the building. And interestingly enough, this is only about 5 percent of the front area of the building. That's actually our -- our address of this building is on Twelve Mile Road. So if anybody is looking this up to come here, they're coming in on Twelve Mile Road typically, unless they live here and they know the tricks to get in on the slip ramp and things like that.

So we felt that this new sign and this size would be much more proportionate, and the planner was sort of on the same wavelength as us in that regard. So we've developed this sign plan, and interestingly enough, this is actually less area in
square feet based on the size of this facade than a normal retail building would get. And we're not in a district or an area there where this is going to have any negative effect on any of our neighbors. And I think it will make it much easier for people coming to this building for the first time to find it, rather than going along Twelve Mile Road and kind of circling and trying to find their way in. So this will make it a lot more readily identifiable. And we would respectfully request that you would approve this, and I think this would make this project complete, put the icing on the cake.

Are there any questions?

CHAIRPERSON SANGHVI: Thank you. Anybody in the audience who would like to make a comment about this case?

Seeing none, I close the public remarks section. Mr. Butler.

MR. BUTLER: No comment.

CHAIRPERSON SANGHVI: No comments, very good. Mr. Secretary, any correspondence?

MR. FERRELL: Forty-six letters mailed, three letters returned, zero approvals and zero objections.

CHAIRPERSON SANGHVI: Very good, thank
Yes, I went and saw your place last week so I guess you didn't have any more (inaudible) sign or anything there for me to see.

MR. SOUTHEN: No, unfortunately we don't have the wall completely up yet.

CHAIRPERSON SANGHVI: I know you still have that construction. Nothing is to show it. I understand where you are coming from, but I am still not convinced that increasing the size of your sign is going to make you more visible from Twelve Mile Road where the traffic is going pretty fast. And you're placing the destination rather than -- because I know if I'm going (inaudible) -- I know where I'm going because there's the destination.

But anyway, I leave it to the board and I'll open it to the board for further discussion.

Yes, Mr. Ferrell.

MR. FERRELL: Thank you, Mr. Chair. I have a question for the city.

So the request is only 4 square feet larger in the sign; is that --

MR. BUTLER: It's only 4 square feet larger, yes, 150 allowed.

MR. FERRELL: Okay, I just wanted to be
clear. Thank you, Mr. Chair.

MR. BUTLER: It's not a big difference.

MR. FERRELL: Okay, thank you. Thank you, Mr. Chair.

CHAIRPERSON SANGHVI: Yes, Ms. Krieger.

MS. KRIEGER: Do you plan on having -- is the building size toward the expressway going to be increased as well?

MR. SOUTHEN: Actually, it comes down in the back so you're not really going to see it from the expressway. This is on the north side.

MS. KRIEGER: Right. So as you're driving down I think it's Cabaret, they'd probably see it versus -- or Twelve Mile. The intent would be for visitors coming in on Twelve Mile, if they're passing on the expressway, it will still be the sign, the same --

MR. SOUTHEN: Yes.

MS. KRIEGER: -- sign Imagine Theater --

MR. SOUTHEN: Yes.

MS. KRIEGER: -- or they'll change it to Super Max?

MR. SOUTHEN: No, not on the expressway side; it's going to remain the same.

MS. KRIEGER: So just on the Twelve Mile
MR. SOUTHEN: No, we're asking on this side because we really believe that this is the side that most of -- particularly people coming there for the first time. Again keeping in mind that the size of this theater and the fact that it's likely to become a regional attraction for a while would be what they call in the movie business a tent pool pictures like Star Wars.

We're planning to get it open for Star Wars this December, so that would be a good example. And it makes it easier for the guests arriving to find their way to the building.

MS. KRIEGER: I understand because of this being a unique circumstance and regional center, and that it would be the only one in the state and they're asking it for just on the Twelve Mile side versus expressway side that it would be allowable in this circumstance.

CHAIRPERSON SANGHVI: Thank you. Anybody else?

Seeing none, I will entertain a motion?

Yes, Mr. Byrwa.

MR. BYRWA: We'll give a shot at a motion here.
I move that we grant the variance in Case No. PZ17-0046, sought by Michael A. Southen representing EMAX Theater at 44425 Twelve Mile Road, Novi, Michigan. Because petitioner has shown a practical difficulty, with the variance petitioner will be unreasonably prevented or limited with respect to use of the property because of the uniqueness of the property, the scale and location of the property, the petitioner did not create the condition. The relief granted will not unreasonably interfere with adjacent properties or surrounding properties, and the relief is consistent with the spirit and intent of the ordinance.

The variance granted is subjected to a maximum of 254 square feet with an additional 4 feet over the maximum allowed for the variance.

MS. KRIEGER: I second with a friendly amendment.

MR. BYRWA: Yes.

MS. KRIEGER: To clarify that it is a unique circumstance for this regional center for EMAX.

MR. BYRWA: Yes, it's unique for the EMAX, yes.

MS. KRIEGER: Yes.

MR. FERRELL: I have one more friendly
amendment.

It's Imagine Theater, not EMAX Theater.

MR. BYRWA: I thought it was EMAX on the
-- oh, Imagine, okay.

CHAIRPERSON SANGHVI: Okay.

MR. FERRELL: EMAX is the name --

MR. SOUTHEN: It's a large premium format
presentation.

MS. KRIEGER: I agree, and second.

CHAIRPERSON SANGHVI: Any further
discussion? Very good.

Madam Secretary, please call the roll.

MS. OPPERMANN: Member Byrwa.

MR. BYRWA: Yes.

MS. OPPERMANN: Member Ferrell.

MR. FERRELL: Yes.

MS. OPPERMANN: Member Krieger.

MS. KRIEGER: Yes.

MS. OPPERMANN: Member Peddiboyna.

MR. PEDDIBOYNA: Yes.

MS. OPPERMANN: And Chairperson Sanghvi.

CHAIRPERSON SANGHVI: Yes.

MS. OPPERMANN: Motion passes.

CHAIRPERSON SANGHVI: Thank you.

MR. SOUTHEN: Thank you very much. You
did put the icing on the cake. I appreciate it very much.

CHAIRPERSON SANGHVI: Moving on to the next case. PZ17-0049, Feldman Automotive, 42355 Grand River Avenue, east of Novi Road and south of Grand River, Parcel No. 50-22-23-176-024.

The applicant is requesting a variance from the City of Novi Zoning Ordinance Section 4.74.3 for the reduction in height of required 10-foot berm along the property lines abutting residential zoned district. The applicant is proposing a 10-foot berm for 67 feet and a berm with varying height from 5 feet to 10 feet along the southwest property lines. The request is being made due to the irregular shaped lot and the conflicts with the layout. This property is zoned Vehicular Parking.

Will you please identify yourself with your name and address, and if you are not an attorney, please be sworn in by our secretary. Thank you.

Mr. BRICE: My name is Trey Brice, I am an attorney with Jaffe Raitt; the address is 27777 Franklin Road, Southfield, Michigan 48034. Also present with me today is David Katarski, the CEO of Feldman Automotive.

We're asking for essentially a berm
variance for the property. You're all pretty familiar with the property itself I'm sure, but this is the Feldman Chevrolet and Feldman Kia. This is the piece that we're talking about right here where my finger goes backward.

It was vacant and purchased. The plan is to extend some parking there. It's a 1.678 acre parcel that the flag, as it's the called, there's the flag pole and this part is the bottom, almost like a golf club since the flag's upside down. And this bottom portion right here you can almost see the dotted line. The zoning is separated. Down here is the P-11 parking zoning the top is B-3.

Under the city code, this section down here which is just under an acre, .9 acres, is required on any area that's adjacent to residential to have a berm.

We've been working with the city for a while on the plan, actually the bottom part had been zoned previously RM-1 and it had been rezoned actually last year is when this process started, and at that point working with the city and the landscape -- the city's landscape architect actually said that we'd only need the 6-foot berm, and so we went forward with that process, got through the initial site plan,
preliminary site plan reviews, then it had come up, oh, we looked at the code it needs to be a 10-foot berm, but it’s a Planning Commissioned opportunity to waive that requirement. And we got all the way to the final or the planning review just this last August, and right before that, that is when it was brought to our attention by the City Attorney, the City Planner through the City Attorney that this was, in fact, a situation that would require a variance.

   Everything has been approved maybe (inaudible) correct if it hasn't been, it wasn't actually originally me, but essentially approved as presented with the contingent that the variance would be granted -- if the variance was granted.

   So the berm part we're talking about is down here and kind of shows a better shot here. So this is the property and this is the berm as proposed and as designed. And to make it a little -- how do you know what a berm is? I actually had this drawn up by our engineer today to help you get a better sense of what we're talking about.

   As you can see, the plan is to increase the parking. This parking over here is the existing property so it is not part of the variance, the variance is only along this part and up to this blue
dotted line. The B-3 zone doesn't have the same firm requirements. And the residential, we have an apartment building, the Main Street Village is an apartment building there, and there is another apartment complex that's down here and actually the apartments are off the page.

And because of the unique and odd flag-shaped property, to meet the 10-foot berm which under the city code is a 33 percent grade, plus actually we need to do some drainage work and so the swale that actually this berm would have to go all the way up to here and essentially right across this to try to knock out all of this parking since you've got 5 feet essentially almost double it. So you visually see what we're doing and it essentially renders the parking unusable for the parking zoning that's on there right now.

And so because of that, the irregular shape, the code requirements, the necessary drainage, it wouldn't be usable but for this variance, understanding the purpose of the variance because of the residential zoning to help screen out part of the plan that has been presented is the landscaping plan which is heavily landscaped. So though the berm may be slightly shorter than preferability of what the
city code is, all of these trees provide the screening that's intended by the berm. And so we think that we have, one, met the spirit of the ordinance through that. None of the neighboring properties are negatively impacted. Obviously it wasn't self-created, the parcel was this odd shape to begin with, and so this variance won't alter the character of the property, the section right here already has lots of cars and parking, it's just continuing that. This Spot any more up here is a at Belle Tire. It is a fully automotive kind of use already.

And so the height if we had to do it, unreasonably prevents us from using the property. This variance unique to the property will allow us to use it. It doesn't impair light or air from the neighbors which is one of the requirements that they're looking at, not going to increase any fire or public safety.

All this does is let us be able to use the property as it's zoned, and so we would ask that you would grant the variance. While it's probably difficult to say, as like the first person who wanted the 9-foot variance for the property, as presented these are -- and I've just had the engineer put these out so you guys can visually see what we're talking
about, but that's called as you can see 901 up to the 910, and actually because the code isn't completely clear on how you're determining the measurement, we have been conservative in all of our measurements and have been taking the height from the inside to the out. If you're actually on the outer side of the property, all these heights are about 2 feet taller.

So again it helps with that screening and the intent that we have we would ask that the city would grant the variance.

CHAIRPERSON SANGHVI: Thank you. Is there anybody in the audience -- I don't see anybody in the audience out there anyway -- who wants to make a comment about this case?

Seeing none, Mr. Butler.

MR. BUTLER: Because of the zoning and they got rezoned it is required to have that berm. It looks like he's really taken into the spirit of the apartments and stuff around him by putting the additional screening and tree zone to help buffer that out. I think he's got a really good design on that, but we had no issue with it.

CHAIRPERSON SANGHVI: Thank you.

Mr. Secretary.

MR. FERRELL: Yes, Mr. Chair. Nineteen
letters mailed, one letter returned, zero approvals, zero objections.

CHAIRPERSON SANGHVI: Thank you. And I know this property for a long time, and I drove around again to see your terrain over there, is not the same all around, and there are different gradients at different places in your property, so I understand what you are trying to say. Thank you.

I'll open it up to the rest of the board members for any comments. Yes, Ms. Krieger.

MS. KRIEGER: I have a question. For the berm on the landscaping intended on top, are they going to be evergreens and how would they be watered? Because usually I've noticed that when there are berms in areas, that they -- the trees that don't get enough water at the top end up dying within a year.

MR. BRICE: Trees do tend to need some water. I don't know what the irritation plan is. I don't know if we've even gotten that far. The landscaping plan was part of what's been submitted to the city. I think there was some -- might have been some mix, most of it was deciduous. We're open to changing the trees that may fit your desire.

MS. KRIEGER: Because that helps the berm with the height and you have a reduction and then you
have the deciduous trees, then I can -- I have no
problem with that.

MR. KATARSKI: The plan is for evergreens,
and if water is an issue -- do I need to --

CHAIRPERSON SANGHVI: Excuse me, sir.
Would you please come over here and identify yourself
and be sworn in by the secretary.

MR. KATARSKI: Dave Katarski, Feldman
Automotive.

MR. FERRELL: Would you spell your last
name for the record?

MR. KATARSKI: K-a-t-a-r-s-k-i.

MR. FERRELL: Are you an attorney?

MR. KATARSKI: I am not.

MR. FERRELL: Raise your right hand.

(David Katarski, sworn.)

CHAIRPERSON SANGHVI: Thank you. Go
ahead.

MR. KATARSKI: So to answer your question,
ma'am, certainly if you look at our landscape there we
already have a bunch of existing evergreens on the
back. We have irrigation systems throughout the whole
site currently, and if that's part of what we need to
do to ensure that boundary with those evergreen we can
tap into that certainly because we have a long
existing line as is, so that would be no problem at all.

MS. KRIEGER: Very good, thank you.


MS. KRIEGER: I move that we grant the variance in Case No. PZ17-0049 for Feldman Automotive, 42355 Grand River, for the reduction in the height of required 10-foot berm along the property lines abutting the residential zoned district. That the reduction, even though they'll have a reduction, that the landscaping with the evergreens will assist with the buffer with the residential area, and also assist Feldman Automotive with their increase in parking with the new property they have.

The applicant is proposing a 10-foot berm for 67 feet and berm for varying heights from 4 feet to 10 feet along the southwest property line. Request is made due to the irregular-shaped lot and conflict with the layout. As the attorney said, the uniqueness of topography, uniqueness of the shape that it wasn't self-created as he stated, and the grant will not unreasonably interfere with adjacent or surrounding
properties because of the buffer that they are creating as per the city, and the relief is consistent with the spirit and intent of the ordinance because of the working together for the business and residential. Thank you.

CHAIRPERSON SANGHVI: Thank you.

MR. FERRELL: Second.

MS. SAARELA: Did you want to make that conditional on the irrigation being installed in that section of the berm?

MS. KRIEGER: Sure.

CHAIRPERSON SANGHVI: Okay. Mr. Byrwa.

MR. BYRWA: I had a friendly condition, too, that it be subjected to a proposed landscaped summary expansion area plan, site plan, showing all the landscaping that they're proposing, and if that could be included.

CHAIRPERSON SANGHVI: Incorporated into the resolution.

MR. BYRWA: Yes, the landscape plan.

MS. SAARELA: The landscape plan's already been approved.

MR. BYRWA: Oh, okay, good.

CHAIRPERSON SANGHVI: Thank you. Any further discussions?
MR. FERRELL: I second (inaudible) the city.

CHAIRPERSON SANGHVI: You have no problem with that?

MR. FERRELL: No problem.

CHAIRPERSON SANGHVI: Okay, thank you. Would you please call the roll.

MS. OPPERMANN: Member Byrwa.

MR. BYRWA: Yes.

MS. OPPERMANN: Mr. Ferrell.

MR. FERRELL: Yes.

MS. OPPERMANN: Member Krieger.

MS. KRIEGER: Yes.

MS. OPPERMANN: Member Peddiboyna.

MR. PEDDIBOYNA: Yes.

MS. OPPERMANN: And Chairperson Sanghvi.

CHAIRPERSON SANGHVI: Yes.

MS. OPPERMANN: Motion passes.

CHAIRPERSON SANGHVI: Thank you. All right, I think this seems to be the end of our day today and I will entertain a motion to adjourn.

MR. FERRELL: So moved.

MR. BYRWA: Second.

CHAIRPERSON SANGHVI: Thank you. All in favor say aye.
MR. FERRELL: Aye.

MS. KRIEGER: Aye.

MS. PEDDIBOYNA: Aye.

MR. BYRWA: Aye.

CHAIRPERSON SANGHVI: Thank you. The meeting is adjourned.

* * *

(Meeting concluded at 8:55 p.m.)
STATE OF MICHIGAN)       ) SS.
COUNTY OF OAKLAND)

CERTIFICATE OF NOTARY PUBLIC

I, PAMELA MOCERI, CSR-2285, a Notary Public in and for the above county and state, do hereby certify that the Zoning Board of Appeals meeting was taken before me at the time and place herein before set forth; that thereupon the foregoing statements were made stenographically and later reduced to typewritten form; and I certify that this is a true and correct transcript of my stenographic notes so taken.

I do further certify that I am not connected by blood or marriage to any of the parties, or their attorneys or agents; that I am not an employee of them, nor am I interested directly or indirectly in the matter in controversy either as counsel, agent, attorney, or otherwise.

________________________________
PAMELA MOCERI, CSR-2285
Certified Shorthand Reporter
Notary Public, Oakland County
Michigan

My Commission Expires:
08/09/2023