

REGULAR MEETING - ZONING BOARD OF APPEALS

CITY OF NOVI

TUESDAY, OCTOBER 10, 2017 7:00 P.M.

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

BOARD MEMBERS:

David M. Byrwa

Brent Ferrell

Linda Krieger

Joe Peddiboyna

Siddharth Mav Sanghvi, Chairperson

ALSO PRESENT:

Beth Saarela, City Attorney

Lawrence Butler, Comm. Development, Dep. Director

Katherine Oppermann, Recording Secretary

Transcribed by: Pamela Mocerri, Certified Shorthand Reporter

1 Novi, Michigan  
2 October 10, 2017  
3 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.

12

(Recitation of the Pledge of Allegiance.)

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CHAIRPERSON SANGHVI: Thank you. Please  
be seated.

15

Madam Secretary, please call the roll.

16

MS. OPPERMANN: Member Byrwa.

17

MR. BYRWA: Present.

18

MS. OPPERMANN: Member Ferrell.

19

MR. FERRELL: Here.

20

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MS. OPPERMANN: Member Gronachan is  
absent, excused.

22

Member Krieger.

23

MS. KRIEGER: Present.

24

25

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

1 Member Peddibonya.

2 MR. PEDDIBONYA: Yes.

3 MS. OPPERMANN: Chairperson Sanghvi.

4 CHAIRPERSON SANGHVI: Present. Thank you.

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

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

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

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

19 MR. FERRELL: So moved.

20 CHAIRPERSON SANGHVI: So moved. Second?

21 MS. KRIEGER: Second.

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

24 MR. FERRELL: Aye.

25 MR. PEDDIBOYNA: Aye.

1 MS. KRIEGER: Aye.

2 MR. BYRWA: Aye.

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

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

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

13 Anybody else have any correction?

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

18 CHAIRPERSON SANGHVI: Okay. Anybody else?

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

21 MS. KRIEGER: So moved.

22 MR. FERRELL: Second.

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

25 Seeing none, all those that agree please

1 signify by saying aye.

2 MR. BYRWA: Aye.

3 MR. FERRELL: Aye.

4 MR. PEDDIBOYNA: Aye.

5 MS. KRIEGER: Aye.

6 CHAIRPERSON SANGHVI: Aye. Those opposed  
7 same sign. Nobody.

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

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

18 The applicant is requesting a variance  
19 from the City of Novi Zoning Board of Appeals  
20 Ordinance Section 3.14.5.C. to allow the height of a  
21 proposed 30 feet 8 inch building to increase by 5 feet  
22 8 inches, maximum height allowed is 25 feet. This  
23 property is zoned Light Industrial.

24 If the appellant is here, will you please  
25 come forward and identify yourself. I recognize the

1 gentleman, Mr. Landry, an attorney and also the former  
2 mayor of the city.

3 MR. LANDRY: Chairman Sanghvi and members  
4 of the ZBA, good evening, I'm David Landry and I  
5 represent Dembs Development.

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

11 We are requesting a variance to build a  
12 building with a gable height of 30 feet 8 inches.  
13 That would be a 5 foot 8 inch variance we are  
14 requesting. However, there would also be rooftop  
15 units on top of that, but they'd be recessed in the  
16 building. If you include 6 feet for the rooftop  
17 units, technically the variance would be a total of 11  
18 feet 8 inches, but the building height would only be  
19 30 feet 8 inches.

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

25 This is an Industrial I-1 district.

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

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

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

20                       This is the site. Nadlan Court comes in  
21           here. You can see the site in red. The first thing  
22           that you should notice is the extensive mature  
23           woodlands between the residential area here and the  
24           site. I've also taken some photographs personally of  
25           what those woodlands look like from Nadlan Court. You

1 can see these are very mature, very dense woodlands.  
2 That is a fire hydrant to give you some sort of idea  
3 of the height of these woodlands that are there.

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

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

21 In designing this particular site, we've  
22 also taken the residents in mind. We've taken the  
23 loading docks, they're not very extensive, there's  
24 only two of them, put them on the extreme opposite  
25 ends of the site; the dumpsters are as far away as

1 possible as they could possibly be from the residents;  
2 the entry is on the west site; we've restricted this  
3 drive, no semis there; and since the original site  
4 plan that was submitted that I think was in your  
5 original packet, we've made two other significant  
6 changes.

7 First of all, we're agreeing to put a  
8 6-foot masonry wall here, and we've also taken parking  
9 out of here so that any headlights are going to be  
10 blocked by this 6-foot masonry wall.

11 The other thing we've done is we've agreed  
12 to plant a solid row of evergreens all along this  
13 eastern border. These evergreens are going to be 10  
14 to 12 feet in height to start off with and they grow  
15 an average of 1 foot per year. So in addition to the  
16 125 feet of woodlands we're preserving, in addition to  
17 the mature woodlands which already exist, we're going  
18 to plant another solid row of evergreen trees all  
19 along that area.

20 The ZBA in the past has recognized the  
21 need for this exact type of variance. There are nine  
22 buildings in Beck North Corporate Park that are 30  
23 feet today. That is what is adding to the success of  
24 the corporate park. In particular Unit No. 56 -- this  
25 is Unit 54 tonight -- 56, immediately to the north,

1 was before you requesting the exact variance in 2014  
2 and it was granted. It also abuts residential, 30  
3 feet in height, exact variance requested. The city  
4 staff has no issues with this request. It has been  
5 supported.

6 We're before the Planning Commission  
7 tomorrow night to seek site plan approval. We have  
8 landscaping approval, we have woodland approval.

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

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

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

25 I would just like to close by saying the

1 woodland consultant for the city, ECT, stated in its  
2 report, "In terms of the scenic asset, wind block,  
3 noise buffer, and other environmental impacts, this  
4 woodlands is considered to be a good quality  
5 woodlands." So the city's own consultant said this is  
6 a good noise impact. So with respect to height, we're  
7 asking the minimum that's required. We're not asking  
8 for anything that this board has not already granted,  
9 we're asking for nothing new.

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

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

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

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

25 I close the public remarks --

1 MS. KRIEGER: There are people.

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

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

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

9 MS. HALLARON: I'm sorry, Kelly Hallaron,  
10 30361 Balfour Drive. My house is directly behind  
11 Nadlan Court.

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

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

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

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

18 (Kelly Hallaron, sworn.)

19 CHAIRPERSON SANGHVI: Thank you. Go  
20 ahead.

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

23 MR. FERRELL: Yes.

24 MS. HALLARON: Would it show if it's off  
25 my phone?

1 MS. KRIEGER: It should.

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

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

25 Yes, maybe this was zoned industrial a

1 long time ago, it became residential at one point.  
2 That is when everything changes. So the ordinance are  
3 there to protect us from everything that goes on next  
4 to our homes. We are trying to live a nice, quiet  
5 life in the city of Novi which is why we moved here.  
6 We would like to be protected from [sic] the  
7 ordinances we knew that were going to be there. We  
8 were told they were there. Some of them were  
9 developed in 2003, I believe, when we had to address  
10 this the first time when the original developer came  
11 through and cut down a ton of trees without anyone's  
12 permission.

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

17 That's only one of the pictures. In the  
18 winter -- I do have some of those, but I'll have to  
19 search for them, I'll bring them to the Planning  
20 Commission and show them there -- in the winter, we  
21 can see through there totally. We are not going to  
22 have any type of noise protection, visible protection.  
23 7-foot trees are not going to protect us. My 40-foot  
24 ones kind of protect my visual. They do nothing for  
25 the noise.

1 I heard this afternoon down the road  
2 someplace a big "clump" of something which is some  
3 type of a dump truck or something doing some kind of  
4 work. It's not even behind my house, so imagine when  
5 it's behind my house what that is going to be like.

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

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

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

24 So I don't see in here from looking at  
25 what I looked at in the city notes that the developer

1 has proven cause for this ordinance to be changed  
2 other than personal preference for how they wish to  
3 develop their piece of property.

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

15 CHAIRPERSON SANGHVI: Thank you.

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

18 CHAIRPERSON SANGHVI: Go ahead.

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

23 MS. HALLARON: The biggest concern is all  
24 of that, is the sound, the visual. We already have  
25 the noise. We already have visual. I don't have the

1 lights in the back of my house where the bedrooms are  
2 yet, but my neighbor north of me does because there  
3 are buildings that are directly behind him. They are  
4 not behind me yet. They are to come, probably.

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

19 So there are a lot of concerns besides the  
20 noise and the visual as it is bringing a lot of other  
21 issues that are going to affect our quality of life,  
22 possibly our protection without -- with that small  
23 amount of land between us, 150 feet. It is very easy  
24 -- and it's very sparse, it's not dense, that's with  
25 the leaves from the other side, it's very sparse, it

1 will continue to die. And I notice the stormwater is  
2 coming back into our wooded area, and we have had so  
3 many trees die since that street first went in  
4 whatever year that was, 2003, 2004, so much has died.  
5 I have had four huge trees in my backyard that were  
6 not dead but they drowned and they fell over.

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

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

11 MS. OPPERMANN: Apparently your mics are  
12 not on.

13 CHAIRPERSON SANGHVI: No, they are.

14 All right, moving on. Mr. Butler, any  
15 comment?

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

25 CHAIRPERSON SANGHVI: Thank you. Any

1 correspondence?

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

4 CHAIRPERSON SANGHVI: (Inaudible).

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

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

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

20 The ordinance specifically says variances  
21 may be granted, and the key -- one of the key elements  
22 here is if it would not unreasonably interfere with  
23 the adjacent property. It doesn't say if it didn't  
24 interfere in any way, shape or form, because there  
25 will always be someone that will come up and say, "I

1 don't want it." The key is reasonableness, that's the  
2 key here. Reasonableness. Both sides have to be  
3 reasonable.

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

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

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

15 CHAIRPERSON SANGHVI: Go ahead.

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

19 MR. FERRELL: Are you an attorney?

20 MR. DAMAN: No.

21 MR. FERRELL: Raise your right hand.

22 (Lathe Deman, sworn.)

23 MR. DAMAN: So there is a couple of things  
24 that I would like to bring. First of all, it's the  
25 picture. So this is my property right here, and this

1 is the area that I'm showing additional picture,  
2 additional information, and you can see right now  
3 there's already evidence of tire screeching or, you  
4 know, from other areas. I don't know whether -- this  
5 is a conflict going on right now. So if the trees  
6 were any barrier, I wouldn't be knowing about those  
7 things, I wouldn't know to go take a picture of them.

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

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

23 In addition -- and here are the seven  
24 signatures. I emailed them, too, I believe, okay, and  
25 I'm not sure if they were gone through and if it was

1 discussed.

2 But I don't oppose business or anything.  
3 I mean I'm actually delighted that a lot of business  
4 want to be in Novi, you know, it makes our city much  
5 stronger. But let's all abide by the same rules.  
6 Let's not have all these ordinances being chipped away  
7 every time a new building comes up setting a  
8 precedence for the next building to keep chipping all  
9 these ordinances away from us.

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

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

1 everybody to change the ordinances.

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

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

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

19 CHAIRPERSON SANGHVI: No. Thank you.

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

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

25 MS. ROBERTS: I'm not.

1 CHAIRPERSON SANGHVI: -- please be sworn  
2 in by our secretary.

3 MS. ROBERT: I'm Linda Roberts, I live at  
4 30377 Balfour Drive, Novi, Michigan.

5 MR. FERRELL: Raise your right hand.

6 (Linda Roberts, sworn.)

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

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

22 So I'm feeling like we have a 25-foot  
23 regulation for buildings that are going to be next to  
24 the neighborhood, and there's plenty of sites left in  
25 that industrial park where if that kind of building is

1 a necessity, there's other sites to choose from. It  
2 doesn't have to be the one that's the very closest to  
3 the homes that we've invested in.

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

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

22 So you can say, okay, it was all  
23 industrial, but those woods were there first before  
24 the industrial park, and they were protected and torn  
25 down without permission, and then they were given --

1           what is that -- forgiveness afterwards, okay. But  
2           we're all dealing with this, though. It's really  
3           close. This one is going to be even closer. The  
4           building is going to be 11 feet taller than it's  
5           supposed to be if you include the stuff that's going  
6           to be on the roof. There's going to be lighting  
7           coming our way probably from the top of the building,  
8           I'm not sure.

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

25                         I feel that -- I know you're trying to

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

11 Questions? Okay, thanks a lot.

12 CHAIRPERSON SANGHVI: Thank you. Anybody  
13 else in the audience who would like to say anything  
14 further? Any more comments?

15 Seeing none, we'll close the public remark  
16 session now.

17 Yes, Mr. Secretary.

18 (Off the record discussion.)

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

24 The community is before you tonight.  
25 We're part of the community, too. We're business

1 residents, we pay taxes. We rely on the ordinances,  
2 too.

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

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

16 CHAIRPERSON SANGHVI: Thank you. Yes.

17 UNKNOWN SPEAKER: Can we comment on these  
18 letters that were sent to us?

19 CHAIRPERSON SANGHVI: Yes, come and talk  
20 here at the podium.

21 MS. SAARELA: Are you reopening the public  
22 hearing? Are you going to reopen the public hearing  
23 because you already closed the public hearing?

24 CHAIRPERSON SANGHVI: Yes, we already  
25 closed the public hearing. I requested if anybody had

1 to say anything and I didn't get any -- see any  
2 response.

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

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

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

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

11 MR. FERRELL: I already read them.

12 CHAIRPERSON SANGHVI: You already read  
13 them?

14 MR. FERRELL: Yes.

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

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

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

22 MR. LANDRY: Great question. My  
23 understanding is the hours of operation are basically  
24 7:00 in the morning until when -- 6:00 p.m.

25 MS. KRIEGER: And it's anticipated it is

1 office versus laboratory versus noise?

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

6 MS. KRIEGER: And deliveries is the same?

7 MR. LANDRY: Exactly, exactly.

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

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

23 And this presenter has done due diligence  
24 with their paying attention to the needs of what it  
25 would be like to present to the neighboring

1 subdivision, and the request is minimal for 5 feet.  
2 They're going to be putting in evergreens so that  
3 there will be a visual impedence with the area as well  
4 as concrete for vehicles driving. So since as I well  
5 know as well that in the wintertime you can see  
6 through everything when the leaves fall, I'm sure that  
7 the chief of our public safety will investigate, I  
8 know if there were complaints written in, that we can  
9 ask for that, for them to investigate the area for  
10 noises, and so I do not have an issue with the height  
11 request.

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

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

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

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

24 MR. BYRWA: Okay, thank you.

25 CHAIRPERSON SANGHVI: Anybody else? Yes,

1 Mr. Peddiboyna.

2 MR. PEDDIBOYNA: Thank you, Chairman.

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

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

8 MR. PEDDIBOYNA: Yes.

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

11 MR. PEDDIBOYNA: Yes, the traffic.

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

14 MR. PEDDIBOYNA: Yes.

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

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

1 above the parking lot to specifically avoid lights.

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

11 MR. PEDDIBOYNA: Thank you, sir.

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

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

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

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

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

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

25 MR. FERRELL: So they're not --

1 UNKNOWN SPEAKER: (Unintelligible, not at  
2 mic). They meet the photometric standards of the city  
3 ordinance.

4 MR. FERRELL: So less than halfway up?

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

10 MR. FERRELL: Thank you.

11 CHAIRPERSON SANGHVI: Anybody else?

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

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

24 Having all said that, if there is any --  
25 no further discussion, I --

1 MS. SAARELA: Could I just make one  
2 comment? Can I just note that any motion that you  
3 make that's an approval, that it be subject to  
4 Planning Commission granting both site plan approval  
5 and special land use approval.

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

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

10 MS. KRIEGER: I move that we grant the  
11 variance in Case No, PZ17-0021, for 46480 Nadlan  
12 Court, east of Beck and south of Pontiac Trail, to  
13 allow the height of a proposed 30 feet 8 inch building  
14 to increase by 5 feet 8 inches, maximum height allowed  
15 is 25 feet. This property is zoned Light Industrial.

16 The applicant has shown practical  
17 difficulty with their area that they need this height,  
18 as explained by Mr. Landry. That without, the  
19 petitioner will unreasonably be prevented and limited  
20 with use of their property because the first floor  
21 being for lab and the second floor for offices. The  
22 property is unique because of its placement, and the  
23 topography and location, the petitioner did not create  
24 the condition because of its location that is already  
25 in existence of the mature woodland and number of

1 other measures. That he stated through the Planning  
2 Commission that they'll be working with taking care of  
3 light, the buffer with the wall for lights, concrete  
4 wall, the trees, that they will maintain the trees for  
5 visual and sound.

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

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

15 CHAIRPERSON SANGHVI: Thank you.

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

19 CHAIRPERSON SANGHVI: Special land use.  
20 Thank you. Anybody second?

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

23 Just that the property in question has  
24 been zoned industrial prior to residential properties  
25 that were initially established after.

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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.

1 MR. PEDDIBOYNA: Yes.

2 MS. OPPERMANN: And Chairperson Sanghvi.

3 CHAIRPERSON SANGHVI: Yes.

4 MS. OPPERMANN: Motion passes.

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

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

11 MR. PEDDIBOYNA: That was postponed.  
12 That's tabled to next month.

13 CHAIRPERSON SANGHVI: It is tabled, right.  
14 Sorry, sorry, sorry.

15 Moving on to the next one. PZ17-0043, Oak  
16 Electric/Fujitsu 10, 30155 Hudson Drive, east of Beck  
17 Road and south of W. Trail, Parcel No.  
18 50-22-04-152-024.

19 The applicant is requesting a variance  
20 from the City of Novi Zoning Ordinance Section  
21 4.19.2.A for installation of a side yard generator on  
22 the north side of the setback of the building and the  
23 property is zoned Light Industrial.

24 Will you please identify yourself with  
25 your name and address, and if you are not an attorney,

1 be sworn in by our secretary.

2 MR. PIPIA: Sure. Gary Pipia with Oak  
3 Electric, 5492 Dixie Highway, Waterford, Michigan.  
4 I'm not an attorney.

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

7 THE REPORTER: Yes.

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

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

12 MR. FERRELL: Raise your right hand.

13 (Gary Pipia, sworn.)

14 MR. FERRELL: Go ahead.

15 MR. PIPIA: We are asking for a variance  
16 for a side yard generator in an industrial complex. I  
17 contacted the Planning Department, I asked them if we  
18 could put it in the -- I guess it's really -- I don't  
19 even know if there is considered -- oh, is that thing  
20 working? I don't even know if this is even considered  
21 a rear lot, but they said I couldn't put it there  
22 because of a parking issue. So they told me really  
23 the only area I could put it was right here in the  
24 side yard; it's like a little greenbelt right on the  
25 side.

1           So the proposed location here I guess it's  
2           side yard, but I don't think you could see it from the  
3           roadway if we were to put up evergreen screening or  
4           some kind of a fence, but I don't know what any other  
5           options there are for a generator location on this  
6           site so that's why we're here.

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

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

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

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

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

1 serve residential that would hear that noise projected  
2 outward.

3 CHAIRPERSON SANGHVI: Thank you.  
4 Mr. Ferrell, any correspondence?

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

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

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

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

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

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

21 MS. KRIEGER: Okay, thank you.

22 CHAIRPERSON SANGHVI: Anybody else?

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

25 MR. PIPIA: It's another, you know,

1 another industrial type of building to the north.

2 MR. FERRELL: Okay.

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

6 MR. FERRELL: Okay, thank you.

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

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

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

14 MR. PEDDIBOYNA: Yes.

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

17 MR. PEDDIBOYNA: Okay.

18 CHAIRPERSON SANGHVI: Thank you. Anybody  
19 else?

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

22 MR. FERRELL: Thank you, Mr. Chair.

23 I move that we grant the variance in Case  
24 No. PZ17-0043 sought by the petitioner for the  
25 installation of a generator because the petitioner has

1 shown practical difficulty requiring the generator --  
2 I'm sorry I didn't catch why. Is there a specific  
3 reason why you guys want the generator? Obviously I  
4 know what it's for.

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

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

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

12 MR. FERRELL: Thank you.

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

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

23 The relief is consistent with the spirit  
24 and intent of the ordinance, and also that petitioner  
25 has said that they will plant 4-foot arborvitaes

1 around a generator, and the general was rated at 68  
2 decibels in sound.

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

5 CHAIRPERSON SANGHVI: Thank you.

6 MR. PEDDIBOYNA: I second.

7 CHAIRPERSON SANGHVI: Second, thank you.

8 Any further discussion?

9 Seeing none, Madam Secretary, please call  
10 the roll.

11 MS. OPPERMANN: Member Byrwa.

12 MR. BYRWA: Yes.

13 MS. OPPERMANN: Member Ferrell.

14 MR. FERRELL: Yes.

15 MS. OPPERMANN: Member Krieger.

16 MS. KRIEGER: Yes.

17 MS. OPPERMANN: Member Peddiboyna.

18 MR. PEDDIBOYNA: Yes.

19 MS. OPPERMANN: And Chairperson Sanghvi.

20 CHAIRPERSON SANGHVI: Yes.

21 MS. OPPERMANN: Motion passes.

22 CHAIRPERSON SANGHVI: Thank you.

23 MR. PIPIA: Thank you.

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

1 Forest, east of --

2 MR. PEDDIBOYNA: West of.

3 CHAIRPERSON SANGHVI: It should be east of  
4 Novi Road and south of Ten Mile Road, Parcel  
5 50-27-277-002.

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

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

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

18 MR. FERRELL: Raise your right hand.

19 (Mr. O'Fiara, sworn).

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

1 be much smaller than that.

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

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

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

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

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

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

25 MR. LIU: Zhengyu Liu, z-h-e-n-g-y-u, last

1 name L-i-u. I live at 23410 Duchess Court, and I  
2 would just like --

3 MR. FERRELL: You're not an attorney?

4 MR. LIU: No.

5 MR. FERRELL: Raise your right for me.

6 (Zhengyu Liu, sworn).

7 MR. FERRELL: Go ahead.

8 MR. LIU: So I think this gentleman has  
9 like, I guess, a patio facing my house. So my biggest  
10 concern is kind of like I feel like uncomfortable, so  
11 feel some loss like privacy because my neighbor's  
12 backyard (unintelligible), so kind of like I think  
13 maybe just on the bottom like ordinance.

14 So I'm worried about the sun room,  
15 screened sun room like maybe you have to remove the  
16 tree begin to property line. So also the sun  
17 room/screen room kind of facing my kitchen and look --  
18 actually we use the nook and everything, breakfast,  
19 dinner, especially weekend we family sitting together  
20 reading newspapers, talking. This is the kind of  
21 screening room kind of like especially like other  
22 people mention so like fall, wintertime, especially  
23 all the leaves is gone, you can see through each  
24 other. So kind of like being watched or look  
25 (unintelligible) just my concern.

1           So that's why I said like I don't, like I  
2           said, fully objection, even I put objection, but my  
3           concerns, my suggestion is absolutely no tree be  
4           removed from the property line. That's my suggestion.

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

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

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

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

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

22          MR. FERRELL: Would you spell your last  
23          name?

24          MR. KUJAWA: K-u-j-a-w-a.

25          MR. FERRELL: Raise your right hand.

1 (John Kujawa, sworn.)

2 MR. FERRELL: Go ahead.

3 CHAIRPERSON SANGHVI: Thank you. Go  
4 ahead.

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

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

21 MR. LIU: I agree with what other  
22 gentleman has mentioned. The ordinance as I see,  
23 maybe my English language is not so good, I see  
24 ordinance as kind of like law. So why like we keep  
25 like give in like ordinance? That's my comment.

1 CHAIRPERSON SANGHVI: Okay, thank you.  
2 Anybody else? Any further comments by anybody else  
3 before I close the public remarks section? No. Thank  
4 you.

5 All right, Mr. Butler, any comments?

6 MR. BUTLER: No comment.

7 CHAIRPERSON SANGHVI: No comment, thank  
8 you.

9 Mr. Secretary, any correspondence?

10 MR. FERRELL: Yes, Mr. Chair. There was  
11 33 letters mailed, three letters returned, one  
12 approval and two objections.

13 First approval is from James M. McDonough,  
14 23154 Mystic Forest. "I live next door and give Pat  
15 full approval."

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

23 "Suggestion: Absolutely no existing trees  
24 or bushes to be removed and adding a greenbelt,  
25 evergreen trees as privacy barrier or revise the

1 screened room to the southwest side of the backyard."

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

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

17 Beyond that, I will leave it to the rest  
18 of the board to decide. Please open up to the board.  
19 Any comments from anybody? Yes, Ms. Krieger.

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

24 MR. BUTLER: That doesn't necessarily make  
25 it any closer. He already has a deck already there.

1 He wants to cover it up if he's using the same  
2 dimension as the existing patio.

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

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

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

10 MS. KRIEGER: Will there be any trees  
11 removed?

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

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

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

21 MS. KRIEGER: Okay. And then do you have  
22 screening planned for, like, with the neighbors?  
23 Because I'm feeling for their concern as well that I  
24 don't know if their views are going to be obscured by  
25 this or why the worry.

1 MR. O'FIARA: I appreciate their concerns.  
2 That protected wetlands is probably 6 feet wide and  
3 it's a combination of evergreen trees and deciduous  
4 trees. So the trees -- the deciduous trees, they drop  
5 their leaves.

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

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

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

14 MR. O'FIARA. Yes.

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

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

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

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

24 MS. KRIEGER: So the city has the letter  
25 from the homeowners association?

1 MR. BUTLER: Normally it's put in the  
2 folder if we have it.

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

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

11 MR. KUJAWA: I have a question.

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

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

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

18 MR. O'FIARA: Making it smaller.

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

22 MR. O'FIARA: That's correct.

23 MR. FERRELL: So there's no more  
24 encroachment into the yard? I guess I'm a little  
25 confused.

1 MR. O'FIARA: There's a patio there now  
2 without any walls. I'm adding a screened-in -- I'm  
3 taking out the patio and putting in a screened-in  
4 porch that's smaller than what's there now.

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

8 MR. O'FIARA: No, no.

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

12 CHAIRPERSON SANGHVI: Yes, Mr. Peddiboyna.

13 MR. PEDDIBOYNA: I have a question.

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

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

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

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

22 MR. PEDDIBOYNA: Yes, I have question.

23 MS. KRIEGER: No, your neighbor.

24 MR. PEDDIBOYNA: You're not removing the  
25 plants; am I right?

1 MR. O'FIARA: Pardon me?

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

4 MR. O'FIARA: That's correct.

5 MR. PEDDIBOYNA: Thank you.

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

8 MR. PEDDIBOYNA: No.

9 MR. KUJAWA: Could I make a statement now?

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

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

13 MS. KRIEGER: No, he --

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

16 MS. KRIEGER: Yes.

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

20 MS. KRIEGER: It's for enclosing.

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

25 MR. FERRELL: It's the roof line, yes.

1 MR. O'FIARA: That's the way I read it.  
2 Am I confused?

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

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

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

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

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

22 MS. KRIEGER: All right, thank you.

23 CHAIRPERSON SANGHVI: Thank you. Okay,  
24 anybody else? No further discussion, I will entertain  
25 a motion.

1 MR. FERRELL: I move that we grant the  
2 variance in Case No. PZ10-0044 sought by the  
3 petitioner for adding a sun room onto his existing  
4 deck.

5 Did I say I approve? Did I say that?

6 MS. KRIEGER: Yes.

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

13 MS. KRIEGER: Yes.

14 MR. O'FIARA: Vitiligo.

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

17 MS. KRIEGER: Vitiligo.

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

23 Variance is for not in addition to the  
24 deck but to add on to the deck going up which the  
25 variance is required for because it's an enclosed

1 structure, 9-foot variance. The relief granted will  
2 not unreasonably interfere with adjacent or  
3 surrounding properties. The relief is consistent with  
4 the spirit and intent of the ordinance.

5 CHAIRPERSON SANGHVI: Thank you. Anybody  
6 second?

7 MS. KRIEGER: Second.

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

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

13 MS. OPPERMANN: Member Byrwa.

14 MR. BYRWA: Yes.

15 MS. OPPERMANN: Member Ferrell.

16 MR. FERRELL: Yes.

17 MS. OPPERMANN: Member Krieger.

18 MS. KRIEGER: Yes.

19 MS. OPPERMANN: Member Peddiboyna.

20 MR. PEDDIBOYNA: Yes.

21 MS. OPPERMANN: And Chairperson Sanghvi.

22 CHAIRPERSON SANGHVI: Yes.

23 MS. OPPERMANN: Motion passes.

24 CHAIRPERSON SANGHVI: Thank you.

25 MS. KRIEGER: Thank you, just meet with

1 the Planning Department.

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

6 The applicant is requesting variances from  
7 the City of Novi Zoning Ordinance Sections 3.1.5 for a  
8 16 variance for a 14 foot proposed front yard setback  
9 and 30 feet minimum required, and a 5-foot variance  
10 for a 20 foot side yard setback, 25 feet minimum  
11 required for that area to allow for a proposed second-  
12 story addition and covered porch. This property is  
13 zoned Single-Family Residential (R-4).

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

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

20 MR. FERRELL: Raise your right hand.  
21 (Jennifer Cooper, sworn.)

22 MR. FERRELL: Go ahead.

23 MS. COOPER: We are looking to put a  
24 second story on our house, an addition to the front.  
25 We are looking to put a porch on the front of our

1 house. We were asking for a 16-foot variance in the  
2 front of our home.

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

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

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

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

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

22 CHAIRPERSON SANGHVI: Okay.  
23 Mr. Secretary, any correspondence?

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

1 and zero objections.

2 The first approval is from Yousef,  
3 Y-o-u-s-e-f, it looks like Abu, A-b-u, A-y-y-a-s-h, at  
4 1586 Rexton Street; just an approval.

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

8 The third one is from Michelle M. Wood at  
9 1418 West Lake Drive, Novi, Michigan 48377. That's  
10 it.

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

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

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

24 MS. COOPER: In the back yard, yes. Yes,  
25 we want to keep all of our trees.

1 MS. KRIEGER: Okay, thanks.

2 CHAIRPERSON SANGHVI: Yes, Mr. Peddiboyna.

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

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

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

10 MS. COOPER: Thank you.

11 CHAIRPERSON SANGHVI: Thank you. Anybody  
12 else?

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

15 MS. KRIEGER: Joe's turn.

16 MR. FERRELL: It is Joe's turn.

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

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

21 CHAIRPERSON SANGHVI: Go on, Linda.

22 MS. KRIEGER: In Case No. PZ17-0046 --  
23 wait, 0045 for Jennifer Cooper on 131 Rexton Street, I  
24 move to grant the variance for the front 16 variance  
25 for a 16 variance for a 14 foot proposed front yard

1 setback, 30 feet minimum required, 5-foot variance for  
2 a 20 foot side yard setback and 25 feet minimum  
3 required to allow for a proposed second-story addition  
4 and covered porch and it's single-family residential.

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

14 MR. FERRELL: Second.

15 CHAIRPERSON SANGHVI: Thank you. Any  
16 further discussion?

17 Seeing none, Madam Secretary, please call  
18 the roll.

19 MS. OPPERMANN: Member Byrwa.

20 MR. BYRWA: Yes.

21 MS. OPPERMANN: Member Ferrell.

22 MR. FERRELL: Yes.

23 MS. OPPERMANN: Member Krieger.

24 MS. KRIEGER: Yes.

25 MS. OPPERMANN: Member Peddiboyna.

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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.

1 MR. FERRELL: Are you an attorney?

2 MR. SOUTHEN: No.

3 MR. FERRELL: Raise your right hand.

4 (Michael Southen, sworn.)

5 CHAIRPERSON SANGHVI: Thank you. Go  
6 ahead.

7 MR. SOUTHEN: So as I said, I'm here on  
8 behalf of Imagine, and many of you may know about the  
9 project that's going on right now over at the Imagine  
10 Theater in Novi and perhaps you've seen this  
11 construction. That is what is called the EMAX large  
12 format premium theater, and it is going to be the  
13 largest theater of its kind in the state of Michigan.  
14 The screen is going be about 5 stories tall and about  
15 90 feet wide and it is going to be something to  
16 behold. It will be two 4K laser projectors just to be  
17 able to cover the screen in that venue so it's going  
18 to be very special.

19 And the building itself is -- I want to  
20 show you kind of an elevation of it. Let's see, get  
21 this thing turned correctly here. The colored element  
22 in the center here is the areas under construction  
23 right now, and that was formally two smaller screens  
24 that have been eliminated and we're using that space  
25 and then actually extending out a ways to get the size

1 of the theater to the dimensions that we need. And I  
2 have a picture of the auditorium that will give you  
3 some feeling for that. I don't know that I have that  
4 here. I thought I did. And in any event, it's going  
5 to seat, I think, about 350 in all, power-reclining  
6 seats. So this is going to be probably what we  
7 believe will be kind of a regional draw for movies, it  
8 will be that special.

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

1 sense.

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

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

21 So we felt that this new sign and this  
22 size would be much more proportionate, and the planner  
23 was sort of on the same wavelength as us in that  
24 regard. So we've developed this sign plan, and  
25 interestingly enough, this is actually less area in

1 square feet based on the size of this facade than a  
2 normal retail building would get. And we're not in a  
3 district or an area there where this is going to have  
4 any negative effect on any of our neighbors. And I  
5 think it will make it much easier for people coming to  
6 this building for the first time to find it, rather  
7 than going along Twelve Mile Road and kind of circling  
8 and trying to find their way in. So this will make it  
9 a lot more readily identifiable. And we would  
10 respectfully request that you would approve this, and  
11 I think this would make this project complete, put the  
12 icing on the cake.

13 Are there any questions?

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

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

19 MR. BUTLER: No comment.

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

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

25 CHAIRPERSON SANGHVI: Very good, thank

1           you.

2                           Yes, I went and saw your place last week  
3           so I guess you didn't have any more (inaudible) sign  
4           or anything there for me to see.

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

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

16                          But anyway, I leave it to the board and  
17          I'll open it to the board for further discussion.  
18          Yes, Mr. Ferrell.

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

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

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

25                          MR. FERRELL: Okay, I just wanted to be

1 clear. Thank you, Mr. Chair.

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

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

5 CHAIRPERSON SANGHVI: Yes, Ms. Krieger.

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

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

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

18 MR. SOUTHEN: Yes.

19 MS. KRIEGER: -- sign Imagine Theater --

20 MR. SOUTHEN: Yes.

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

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

25 MS. KRIEGER: So just on the Twelve Mile

1 side.

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

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

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

20 CHAIRPERSON SANGHVI: Thank you. Anybody  
21 else?

22 Seeing none, I will entertain a motion?  
23 Yes, Mr. Byrwa.

24 MR. BYRWA: We'll give a shot at a motion  
25 here.

1 I move that we grant the variance in Case  
2 No. PZ17-0046, sought by Michael A. Southen  
3 representing EMAX Theater at 44425 Twelve Mile Road,  
4 Novi, Michigan. Because petitioner has shown a  
5 practical difficulty, with the variance petitioner  
6 will be unreasonably prevented or limited with respect  
7 to use of the property because of the uniqueness of  
8 the property, the scale and location of the property,  
9 the petitioner did not create the condition. The  
10 relief granted will not unreasonably interfere with  
11 adjacent properties or surrounding properties, and the  
12 relief is consistent with the spirit and intent of the  
13 ordinance.

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

17 MS. KRIEGER: I second with a friendly  
18 amendment.

19 MR. BYRWA: Yes.

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

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

24 MS. KRIEGER: Yes.

25 MR. FERRELL: I have one more friendly

1 amendment.

2 It's Imagine Theater, not EMAX Theater.

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

5 CHAIRPERSON SANGHVI: Okay.

6 MR. FERRELL: EMAX is the name --

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

9 MS. KRIEGER: I agree, and second.

10 CHAIRPERSON SANGHVI: Any further  
11 discussion? Very good.

12 Madam Secretary, please call the roll.

13 MS. OPPERMANN: Member Byrwa.

14 MR. BYRWA: Yes.

15 MS. OPPERMANN: Member Ferrell.

16 MR. FERRELL: Yes.

17 MS. OPPERMANN: Member Krieger.

18 MS. KRIEGER: Yes.

19 MS. OPPERMANN: Member Peddiboyna.

20 MR. PEDDIBOYNA: Yes.

21 MS. OPPERMANN: And Chairperson Sanghvi.

22 CHAIRPERSON SANGHVI: Yes.

23 MS. OPPERMANN: Motion passes.

24 CHAIRPERSON SANGHVI: Thank you.

25 MR. SOUTHEN: Thank you very much. You

1 did put the icing on the cake. I appreciate it very  
2 much.

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

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

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

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

25 We're asking for essentially a berm

1 variance for the property. You're all pretty familiar  
2 with the property itself I'm sure, but this is the  
3 Feldman Chevrolet and Feldman Kia. This is the piece  
4 that we're talking about right here where my finger  
5 goes backward.

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

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

18 We've been working with the city for a  
19 while on the plan, actually the bottom part had been  
20 zoned previously RM-1 and it had been rezoned actually  
21 last year is when this process started, and at that  
22 point working with the city and the landscape -- the  
23 city's landscape architect actually said that we'd  
24 only need the 6-foot berm, and so we went forward with  
25 that process, got through the initial site plan,

1 preliminary site plan reviews, then it had come up,  
2 oh, we looked at the code it needs to be a 10-foot  
3 berm, but it's a Planning Commission opportunity to  
4 waive that requirement. And we got all the way to the  
5 final or the planning review just this last August,  
6 and right before that, that is when it was brought to  
7 our attention by the City Attorney, the City Planner  
8 through the City Attorney that this was, in fact, a  
9 situation that would require a variance.

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

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

22 As you can see, the plan is to increase  
23 the parking. This parking over here is the existing  
24 property so it is not part of the variance, the  
25 variance is only along this part and up to this blue

1 dotted line. The B-3 zone doesn't have the same firm  
2 requirements. And the residential, we have an  
3 apartment building, the Main Street Village is an  
4 apartment building there, and there is another  
5 apartment complex that's down here and actually the  
6 apartments are off the page.

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

18 And so because of that, the irregular  
19 shape, the code requirements, the necessary drainage,  
20 it wouldn't be usable but for this variance,  
21 understanding the purpose of the variance because of  
22 the residential zoning to help screen out part of the  
23 plan that has been presented is the landscaping plan  
24 which is heavily landscaped. So though the berm may  
25 be slightly shorter than preferability of what the

1 city code is, all of these trees provide the screening  
2 that's intended by the berm. And so we think that we  
3 have, one, met the spirit of the ordinance through  
4 that. None of the neighboring properties are  
5 negatively impacted. Obviously it wasn't  
6 self-created, the parcel was this odd shape to begin  
7 with, and so this variance won't alter the character  
8 of the property, the section right here already has  
9 lots of cars and parking, it's just continuing that.  
10 This Spot any more up here is a at Belle Tire. It is  
11 a fully automotive kind of use already.

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

19 All this does is let us be able to use the  
20 property as it's zoned, and so we would ask that you  
21 would grant the variance. While it's probably  
22 difficult to say, as like the first person who wanted  
23 the 9-foot variance for the property, as presented  
24 these are -- and I've just had the engineer put these  
25 out so you guys can visually see what we're talking

1 about, but that's called as you can see 901 up to the  
2 910, and actually because the code isn't completely  
3 clear on how you're determining the measurement, we  
4 have been conservative in all of our measurements and  
5 have been taking the height from the inside to the  
6 out. If you're actually on the outer side of the  
7 property, all these heights are about 2 feet taller.

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

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

15 Seeing none, Mr. Butler.

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

23 CHAIRPERSON SANGHVI: Thank you.

24 Mr. Secretary.

25 MR. FERRELL: Yes, Mr. Chair. Nineteen

1 letters mailed, one letter returned, zero approvals,  
2 zero objections.

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

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

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

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

24 MS. KRIEGER: Because that helps the berm  
25 with the height and you have a reduction and then you

1 have the deciduous trees, then I can -- I have no  
2 problem with that.

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

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

8 MR. KATARSKI: Dave Katarski, Feldman  
9 Automotive.

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

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

13 MR. FERRELL: Are you an attorney?

14 MR. KATARSKI: I am not.

15 MR. FERRELL: Raise your right hand.

16 (David Katarski, sworn.)

17 CHAIRPERSON SANGHVI: Thank you. Go  
18 ahead.

19 MR. KATARSKI: So to answer your question,  
20 ma'am, certainly if you look at our landscape there we  
21 already have a bunch of existing evergreens on the  
22 back. We have irrigation systems throughout the whole  
23 site currently, and if that's part of what we need to  
24 do to ensure that boundary with those evergreen we can  
25 tap into that certainly because we have a long

1 existing line as is, so that would be no problem at  
2 all.

3 MS. KRIEGER: Very good, thank you.

4 CHAIRPERSON SANGHVI: Thank you. Okay.  
5 Anything else? Anybody else? Any other comments?

6 Seeing none, I will entertain a motion.  
7 Yes, Ms. Krieger.

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

18 The applicant is proposing a 10-foot berm  
19 for 67 feet and berm for varying heights from 4 feet  
20 to 10 feet along the southwest property line. Request  
21 is made due to the irregular-shaped lot and conflict  
22 with the layout. As the attorney said, the uniqueness  
23 of topography, uniqueness of the shape that it wasn't  
24 self-created as he stated, and the grant will not  
25 unreasonably interfere with adjacent or surrounding

1 properties because of the buffer that they are  
2 creating as per the city, and the relief is consistent  
3 with the spirit and intent of the ordinance because of  
4 the working together for the business and residential.  
5 Thank you.

6 CHAIRPERSON SANGHVI: Thank you.

7 MR. FERRELL: Second.

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

11 MS. KRIEGER: Sure.

12 CHAIRPERSON SANGHVI: Okay. Mr. Byrwa.

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

18 CHAIRPERSON SANGHVI: Incorporated into  
19 the resolution.

20 MR. BYRWA: Yes, the landscape plan.

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

23 MR. BYRWA: Oh, okay, good.

24 CHAIRPERSON SANGHVI: Thank you. Any  
25 further discussions?

1 MR. FERRELL: I second (inaudible) the  
2 city.

3 CHAIRPERSON SANGHVI: You have no problem  
4 with that?

5 MR. FERRELL: No problem.

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

8 MS. OPPERMANN: Member Byrwa.

9 MR. BYRWA: Yes.

10 MS. OPPERMANN: Mr. Ferrell.

11 MR. FERRELL: Yes.

12 MS. OPPERMANN: Member Krieger.

13 MS. KRIEGER: Yes.

14 MS. OPPERMANN: Member Peddiboyna.

15 MR. PEDDIBOYNA: Yes.

16 MS. OPPERMANN: And Chairperson Sanghvi.

17 CHAIRPERSON SANGHVI: Yes.

18 MS. OPPERMANN: Motion passes.

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

22 MR. FERRELL: So moved.

23 MR. BYRWA: Second.

24 CHAIRPERSON SANGHVI: Thank you. All in  
25 favor say aye.

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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.)

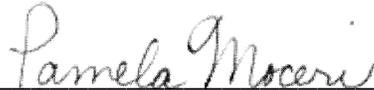
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CERTIFICATE OF NOTARY PUBLIC

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