REGULAR MEETING - ZONING BOARD OF APPEALS

CITY OF NOVI

TUESDAY, APRIL 10, 2018 7:00 P.M.

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

BOARD MEMBERS:

   Linda Krieger, Chairperson
   Brent Ferrell, Secretary
   Cynthia Gronachan
   David M. Byrwa
   Siddharth Mav
   Joe Peddiboyina
   Samuel Olsen

ALSO PRESENT:

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

Reported by:

   Darlene K. May, Certified Shorthand Reporter
Novi, Michigan

Tuesday, April 10, 2018
7:00 p.m.

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CHAIRPERSON KRIEGER: Good evening and welcome to the Novi Zoning Board of Appeals. This is for the April 10th, 2018 board meeting. And if we will all rise for the Pledge of Allegiance.

(Pledge of Allegiance.)

CHAIRPERSON KRIEGER: All right. For our roll call, please.

MS. OPPERMAN: Member Byrwa?
MEMBER BYRWA: Here.

MS. OPPERMAN: Member Ferrell?
MEMBER FERRELL: Here.

MS. OPPERMAN: Member Gronachan?
MEMBER GRONACHAN: Here.

MS. OPPERMAN: Chairperson Krieger?
CHAIRPERSON KRIEGER: Here.

MS. OPPERMAN: Member Olsen?
MEMBER OLSEN: Here.

MS. OPPERMAN: Member Nafso is absent.

Member Peddiboyina?
MEMBER PEDDIBOYINA: Yes.

MS. OPPERMAN: Member Sanghvi?

MEMBER SANGHVI: Here.

CHAIRPERSON KRIEGER: Very good. We have a full board.

And for public hearing format and rules of conduct, there are pamphlets in the entry door. And if there's -- if you could put your phones to silence so we have no interruptions, I would appreciate that.

Thank you.

And for approval of the agenda, any changes?

MS. OPPERMAN: Case number PZ18-0006 has been canceled and removed from the agenda.

CHAIRPERSON KRIEGER: Okay. Thank you.

All in favor of the change in the agenda?

MEMBER BYRWA: Aye.

MEMBER FERRELL: Aye.

MEMBER GRONACHAN: So moved.

MEMBER OLSEN: Aye.

MEMBER PEDDIBOYINA: Aye.

MEMBER SANGHVI: Aye.

CHAIRPERSON KRIEGER: Any denials?

Seeing none. Move to approve the agenda as
is.

Minutes for March 20, '18, are there any changes?

MEMBER GRONACHAN: No changes.

CHAIRPERSON KRIEGER: Seeing no changes.

Move to approve.

MEMBER GRONACHAN: So moved.

MEMBER SANGHVI: Second.

CHAIRPERSON KRIEGER: Any objections?

Seeing none, motion to approve, say, "Aye."

Aye.

MEMBER BYRWA: Aye.

MEMBER FERRELL: Aye.

MEMBER GRONACHAN: Aye.

MEMBER OLSEN: Aye.

MEMBER PEDDIBOYINA: Aye.

MEMBER SANGHVI: Aye.

CHAIRPERSON KRIEGER: Very good. The minutes are passed for March 2018.

Public remarks. If there is anyone in the public that has a remarks for the zoning that is not pertaining to any of our cases, if you can come to the podium and state your name and spell it for our
recorder. And you have a -- for three minutes. Is there anyone that would have a remark? Okay.

MR. DUCHESNEAU: Good evening. I am Michel Duchesneau. And my name is M-i-c-h-e-l, D-u-c-h-e-s-n-e-a-u. I live at 1191 South Lake Drive. And I'm hereto talk a little bit this afternoon about a complex that is coming forward. And I know it won't impact this board in the immediate future, but just to make you aware of it.

And, in essence, what we have is there's a developer, Robertson Brothers. And, basically, I have taken this to the Zoning Board and I'm sure you're familiar with this.

Basically, the developer is proposing to build three-story, single family attached homes on the parcel that's known as Pavilion Shore Village, south of 13 Mile Road -- south of 13 Mile Road on Old Novi Road. In essence, they're building -- proposing three-story buildings. And because they're, basically, attached housing, I've attached the maximum storage allowed. Basically, that makes them an RM-2 type of zoning per your current ordinances. They would be
coming forward with an overlay.

And, basically, the important thing about that is 75 foot front yard, rear yard and side yard setbacks are required in an RM-2 zone. The parcels, to be more specific, are shown on this map.

Basically, here is 13 Mile Road and here's Old Novi Road, and Walled Lake is up here at the top. And basically, there's three parcels. There's one parcel that's a hundred feet deep by -- well, depending on how many houses they put up, up to 560 feet thereabouts.

The second parcel, the wet and wooded lot, is 144 feet of frontage on Novi Road by 200 feet deep. And the third parcel is 265 feet by 200 feet.

The zoning ordinance, RM-2, says you need a 75 front yard and rear yard setback. RM-2, this lot is inappropriate for building. Okay? They've got over 20 townhouses proposed to be built on a lot that can't even meet the setbacks.

And the same thing applies for parcel number two. It's only 144 feet deep -- or wide. And, likewise, you can't meet the 150 foot required side yard setback.
So that brings us to, basically, parcel number three. And parcel number three, after you subtract the 75 feet all around, you're left with an area that's buildable that meets the setbacks of about 50 feet by 115 feet.

CHAIRPERSON KRIEGER: Are you summing it up?

MR. DUCHESNEAU: Yes.

CHAIRPERSON KRIEGER: Okay.

MR. DUCHESNEAU: And, basically, if you look at your own densities of RM-2, it doesn't meet the intent. It's not -- when you look at the second half of the ordinance, it does not meet a buffer zone between high density, commercial and other areas. It specifically restricts it from residential areas.

So, basically, what I'm asking is please enforce the Novi Zoning Ordinance if a rezoning or PRO overlay is submitted to you in the Pavilion Shore Village district.

Thank you.

CHAIRPERSON KRIEGER: Thank you.

MR. DUCHESNEAU: And I know it's not news to you as far as the zoning ordinances, but I just want to be on record.
CHAIRPERSON KRIEGER: All right. I appreciate it. Thank you.

Is there anyone else?

All right. Come in.

MR. ANGUS: Hello. How are you doing?

I'm a 19-year resident of Novi. My name's Steve Angus. I live up on 145 Linhart. I actually live right next to this property right here.

So I have been in the three previous meetings regarding the Robertson property that, you know, was just spoke about. I'm also concerned about it. I am not supportive of the proposal to put 57 shoebox-style apartment homes in this area due to a number of reasons. Right?

And I also support, you know, the earlier statement that we should not rezone this to allow for these. You can kind of see what these apartment homes look like over in Royal Oak. There's no parking for them. They're 35 foot tall. They tower over the existing homes in the area.

Imagine these residents. This area is actually 30 feet above where my house is. So 30 feet plus, you know, 35 puts them about 50 to 60 feet above
where my house is. They're going to be looking down in my backyard. Right?

So they do not conform to the existing park-light setting. I think we did a great job at Novi with the Pavilion Shores. It's beautiful. We love it up there. We just don't want this, you know, shoebox-style, apartment-looking homes to kind of destroy it up in that area.

So this small area with only three acres, it's also not designed properly to exit all the cars for the guests, if there's a Super Bowl party or anything. The builder plans to exit it out on these side streets. And we already have issues with people cutting through the back streets. There's no sidewalks. It's not well lit.

As I mentioned, I have three children. I have a daughter as well and a lot of kids walk to the park through that area. So it effects -- my wife, you know, wanted to be here. But she's concerned about our children.

I have a daughter, you know, Brent, a very similar age to your daughter. And I'm concerned about that. Right?
So the exit vehicle is poor. The other thing is this property here, there's a pond here. They plan on filling in the pond in that area. I actually have a picture of the pond, if you want to see it.

There's the pond. Right? So that's actually where the second property is planning to go. So I have a concern about water as well. So when they fill in that pond, where do you think all the water's going to go?

I'm 30 feet below this property, and they showed us at the three previous meetings no plan for water management. And I'm concerned about my backyard.

So thank you for your time. I appreciate it. And I guess when it does come to you, just make sure you consider some of these concerns that residents have. Thank you.

CHAIRPERSON KRIEGER: Thank you very much.

Anybody else have a concern regarding anything besides the cases?

All right. Seeing none, we'll close the --

MEMBER GRONACHAN: Wait.

CHAIRPERSON KRIEGER: I'm sorry.

MS. SINES: I am here also for the same
issue. My name is Rachel Sines. I'm at 2219 Austin Drive. My last name is S-i-n-e-s.

And this happens to be my house right there (pointing).

It's the same issue with these developments. These homes that are proposed are going to be literally just feet from my house in my back yard. I have a one-story ranch. These are three-story buildings. There's going to be no privacy.

I have a little girl at home as well that we like to use our backyard, and it's going to be very invasive not only to the homes that are on these roads but to the area in general. When I bought the house, you can see right behind me there is a house there. So there was no question when I purchased the home about zoning of the homes. It's R-4. And now they're going to tear down the homes to build these multi-family, three-story buildings.

With the overlay that's been proposed from the City, the master plan, they're proposing R-4 -- from R-4 to 7.3 acre -- or homes per acre. This developer is proposing 20 per acre.

So we're just asking when it comes to you,
please keep in mind the residents in the area. And we would love to see it remain R-4. And that's pretty much what I have right now.

Thank you.

CHAIRPERSON KRIEGER: Thank you.

MR. KING: One more.

CHAIRPERSON KRIEGER: Yup. Come in.

MR. KEEN: Good evening, members, zoning board members. My name is Todd Keen. I live at 2300 Austin Drive. I have lived at that location for about 25 years. I am here also ...

Thank you. My assistant.

I am here also in regards to the proposed development along Old Novi Road and 13 Mile, which is the Pavilion Shore Village. Actually, I live right about there, right on the corner there. So I'm -- there is actually a little canal that runs through here, and I am pretty close to the water level. So as some of the concerns that some of my neighbors talked about, I will also be experiencing some of those issues.

This development, especially on this hill, is -- I mean, I look up at it right now. So it's
pretty -- you know, you put 35 feet on top of that and
I'm going to be looking at some pretty -- it's not
going to be good.

So the reason I mention that is because the
master plan, on a couple of pages -- which I don't have
listed right here -- but I do recall them talking about
trying to keep the character of that area into that
single family home, the character, the different styles
of houses, but not 35 foot, three-story, multiple
family home villas.

I've spent a lot of hours and money and
blood, sweat and tears on my house. When I bought it,
it was about 900 square feet. It's about 2,000 square
feet now. So I've got a lot at stake and I don't think
that this is going to increase the value of my home. I
think it's going to drop the value. And not that
that's -- well, nobody likes that anyways. But ...

So I stand before you. My neighbors stand
before you. And we don't come here because we like to
feel nervous and uncomfortable, and we don't like to
debate. Well, anyway.

But because it's not good for us. You know,
this is planned development. It's not. If it was in
your backyards or homes or near it, you would be up here doing the same thing.

It's not good for the area. I don't think it's good for Novi. Please do not let this happen when it comes up. And please do not approve any other zoning other than the current zoning.

Thank you.

CHAIRPERSON KRIEGER: Thank you very much. Anybody else on anything other than the cases tonight?

Okay. So I'll close the public remarks area.

Now for our public hearings, we have four cases and to reiterate: To come up to the podium, present your case. Say your name, spell your last name for the court recorder and present your case and we'll go from there. Thank you.

So the first case is PZ18-0002 for ID Enterprises, 41875 Carousel Drive, east of Novi Road and north of 12 Mile Road on 13 Mile.

MR. FRASIER: My name is Eric Frasier from ID Enterprises, F-r-a-s-i-e-r.

MEMBER FERRELL: Are you an attorney?

MR. FRASIER: No, I'm not.
MEMBER FERRELL: Okay. Raise your hand and be sworn in. Do yo swear to tell the truth in the case you're about to give testimony in?

MR. FRASIER: Yes.

MEMBER FERRELL: All right.

MR. FRASIER: So we are working with Emeritus Communities up on Carousel Drive to install new entrance signs. Currently they have entrance signs on two posts. Typically, what we as a sign company, it's a post and panel sign. It's a lower class sign that doesn't really meet the standards of the area and Emeritus, a new ownership, is looking to improve the looks of their site, gain visibility and return on their investment.

And their east entrance sign is what we would like to see a variance for as there's a right-of-way that makes the current entrance sign just a few feet out of what is allowed.

And really, just again, with the surrounding communities, I believe they deserve that upscale look to really compete and have their residents actually see where their entrance is and their potential residents to see it as well.
Again, their current sign is all we would like to replace, same relative size, same location. And it's in the middle of a boulevard, not in the way of driving visibility as it isn't currently.

Yeah, that's all.

CHAIRPERSON KRIEGER: That's it?

MR. FRASIER: Yeah.

CHAIRPERSON KRIEGER: Okay.

MR. FRASIER: Do I sit down?

CHAIRPERSON KRIEGER: All righty. Is there anyone in the audience that has anything to say regarding this case?

Seeing none. For the City?

MR. BUTLER: Due to the fact that the sign that they're replacing is going into the same location, it was already approved once, the right-of-way has grown over the years. So that is a concern, but we have no problems with them replacing the sign in the same location.

CHAIRPERSON KRIEGER: Very good. Thank you.

And correspondence?

MEMBER FERRELL: Yes, Madame Chair, 81
letters mailed, seven letters returned, zero approvals, four objections.

The first one is from Lawrence A. Kilgore, K-i-l-g-o-r-e.

Um, Wait. Hang on one second. That might not be the right one.

Nope. Scratch that. The first one is from Singh Development. It says, "Please be advised that we oppose this variance request."

The second one is ...

They're all the same.

MS. OPPERMAN: Same for the several parcels.

MEMBER FERRELL: So they sent four?

MS. OPPERMAN: Yes. Because they have several parcels they own.

MEMBER FERRELL: Okay. They oppose all. I don't know how to say that. There's four that denied. Or objections.

That's it.

CHAIRPERSON KRIEGER: Thank you. And before I open it to the board, member -- for counsel, since we don't have a member, so then the person that's the alternate, can they ask questions? Or can they vote or
just ask questions?

MS. SAARELA: Yes. Both.

CHAIRPERSON SANGHVI: So Member Olsen can --

MS. SAARELA: Participate fully as a member.

CHAIRPERSON KRIEGER: All right. Very good.

So I'll anticipate that, too.

All right. I'll open it up to the board for questions.

Yes, Member Sanghvi?

MEMBER SANGHVI: Thank you. I came and saw your sign over a month ago when you were planning to be here last month.

Anyway, the sign that I saw is it the real sign or is it a mockup?

MR. FRASIER: In the printout that you see?

MEMBER SANGHVI: Yeah. The sign that is there now, is it the new sign?

MR. FRASIER: The sign that is there ...

MEMBER SANGHVI: I came to see your place over a month ago because you were planning to be here last month.

MR. FRASIER: Correct.

MEMBER SANGHVI: I have not been there since,
but the sign that I saw, is that the new sign or mockup
or just old sign?

MR. FRASIER: The sign that's been there has
been there for a number of years. Before the current
ownership and before I, obviously was a part of
project. I'd say it's been there -- just from the
makeup of the sign, I can tell that there's been a sign
in that location for at least five years.

MEMBER SANGHVI: Thank you. I don't think I
have anything else. Thank you very much.

CHAIRPERSON KRIEGER: Yes, member Gronachan?
MEMBER GRONACHAN: Thank you.
Do you have the diagram of the sign with you
this evening that you can put up so everybody can see,
perhaps, what we're talking about.

MR. FRASIER: I do.
MEMBER GRONACHAN: I think you want to put
it ...

There you go.
So -- and I'm not sure that I heard this in
your testimony that you gave. Is this changing the
size of it at all?

MR. FRASIER: It is changing in some ways.
So the actual sign face, which is what I consider, like, the burgundy that you see, that is about the current size of the current sign. And it's, I believe, the maximum allowed.

So it's as if I was designing to meet your ordinances. Which is what I do, typically, obviously. And then the natural stone structure is kind of if you -- it's about the same size of what their current landscaping is that kind of decorates their current sign. So it takes about the same amount of space. And the actual sign face is -- again, I'm a hundred percent sure -- within your sign allowance.

MEMBER GRONACHAN: So it's going back in the same exact place where it is currently? It's just going to be a new face, basically.

MR. FRASIER: Exactly.

MEMBER GRONACHAN: And because it's not going to go 10 feet further back, that's what the variance is for. Correct?

MR. FRASIER: Exactly.

MEMBER GRONACHAN: I just wanted to clarify that for everybody.

So I have no problem with this. I drive down
that road all the time. Thirteen Mile is -- in that particular stretch, is kind of dangerous, quite frankly. Making a left-hand turn into the park it causes a traffic backup. During the winter, 13 Mile is very dangerous. It's not very wide. So I don't see how this sign would actually have a negative impact on anything surrounding it, number one.

Number two, the visibility is very important and given the lay of 13 Mile, again, it's all about the road and the topography out there. It's very difficult to see when you're coming in or when you're going -- when you're heading -- I don't want to use that terminology, let me correct that.

When you're heading west or when you're going east. When you're heading west, you're right on top of it before you get to the sign. So the improvement of the visual of the sign is going to help. And when you're going east, it's set far pretty back -- set back pretty far now.

MR. FRASIER: Yeah.

MEMBER GRONACHAN: And given the way that that road lays, it makes visibility very difficult. So I am in support of this, given that -- the statements
MR. FRASIER: Thank you. Yeah, I would also say Emeritus, the new ownership of this community, I work with them all over the state and they're pretty committed and they really invest in their mobile home communities. And I would say as a city -- and I grew up in Novi. That if you're going to have mobile home parks, you'd want Emeritus to be owning them because they really try to improve the quality of them, keep them safe, spend money to keep the roads safe. They spend money to put in stop signs and traffic signs that weren't there before.

So they really don't treat them as trailer parks in much larger neighborhoods. And I think this sign, obviously, is that type of improvement, like you said, to make the visibility corrected based on the speed of the road.

MEMBER GRONACHAN: Okay.

CHAIRPERSON KRIEGER: Any other questions?

Yes, Member Byrwa?

MEMBER BYRWA: I have a question for our city attorney. On page 11 of 12 on what was submitted, it shows a smaller version and I was wondering if what he
is asking for now is a larger version, is that a substantial enough difference where we should re-advertise the larger sign?

    MS. SAARELA: So, I don't -- as far as what he is showing as long as what we have advertised is the same as what the request here is -- the applicant is requesting a variance from the City of Novi Code to allow a proposed sign 10 foot from the right of way.

    So this is just about where it's located.

This is not about the size. The size has been looked at by our building ...

    MR. BUTLER: Ordinance.

    MS. SAARELA: The ordinance department. They have confirmed that the size is correct. So the size has no relevance with respect to the notice in this case. Only the location. That's only what the variance is about.

    MEMBER BYRWA: So he's within the sign limits on the larger version, then?

    MS. SAARELA: That's correct. That's not what the variance is about, the size. It's about where it's placed.

    MEMBER BYRWA: Okay. Thank you.
MS. SAARELA: Okay.

CHAIRPERSON KRIEGER: When I drove by there, there's one that was covered up this week. Is that just to help specify which one you're talking about? You're going to leave both signs?

MR. FRASIER: The west entrance was already approved.

CHAIRPERSON KRIEGER: Yes.

MR. FRASIER: So we're working on that currently.

CHAIRPERSON KRIEGER: Okay. Thank you.

MR. FRASIER: So we're digging the footings and stuff. It's a little cold. So we had to cover it overnight.

CHAIRPERSON KRIEGER: Very good.

Then no other questions, then a motion to approve.

MEMBER FERRELL: I've got it.

CHAIRPERSON KRIEGER: Oh, you have a question?

MEMBER FERRELL: No. I was going to make a motion.

CHAIRPERSON KRIEGER: All right. Very good.
Go ahead.

MEMBER FERRELL: For which one? The motion?

CHAIRPERSON KRIEGER: Yeah. I love a comedian.

MEMBER FERRELL: Everybody does, right?

I move that we grant the variance in case number PZ18-0002 sought by the petitioner for a newer sign because the petitioner has shown practical difficulty requiring a new sign would enhance the look of the property. Without the variance, the petitioner would be unreasonably prevented or limited with respect to the use of the property. Which by moving the sign back further would constrict the view of the entrance to the property and making it more difficult for residents and visitors to find the entrance.

The property is unique because there is a middle boulevard with the sign in it and setting it back further would make it more difficult to view the sign.

The petitioner did not create the condition. The relief granted will not unreasonably interfere with adjacent or surrounding properties as it will improve the look of the property. The relief is consistent
with the spirit and intent of the ordinance as this allows the sign to stay in its original location which will allow for easier visibility to residents and visitors.

MEMBER PEDDIBOYINA: Second.

CHAIRPERSON KRIEGER: With a friendly amendment regarding what we were talking about, the speed of the road and driving by?

MEMBER FERRELL: Yes. I'll add that.

MEMBER PEDDIBOYINA: Second.

CHAIRPERSON KRIEGER: If you can call the roll, please.

MS. OPPERMAN: Certainly. Member Byrwa?

MEMBER BYRWA: Yes.

MS. OPPERMAN: Member Ferrell?

MEMBER FERRELL: Yes.

MS. OPPERMAN: Member Gronachan?

MEMBER GRONACHAN: Yes.

MS. OPPERMAN: Chairperson Krieger?

CHAIRPERSON KRIEGER: Yes.

MS. OPPERMAN: Member Olsen?

MEMBER OLSEN: Yes.

MS. OPPERMAN: Member Peddiboyina?
MEMBER PEDDIBOYINA: Yes.

MS. OPPERMAN: And Member Sanghvi?

MEMBER SANGHVI: Yes.

MS. OPPERMAN: Motion passes.

CHAIRPERSON KRIEGER: All right. Motion is approved. So you may see the Planning Department and congratulations.

MR. FRASIER: Thank you.

CHAIRPERSON KRIEGER: Now for our second case PZ18-0004, Zack Gielow. I hope I'm saying that right.

MR. GIELOW: Yes.

CHAIRPERSON KRIEGER: Okay. 6263 South Lake Drive, east of West Lake Drive and south of South Lake Drive.

MR. GIELOW: Good evening, my name is Zachary Gielow. I live at 623 South Lake Drive.

MEMBER FERRELL: Can you spell your last name?

MR. GIELOW: My last name is spelled G-i-e-l-o-w.

MEMBER FERRELL: Are you an attorney?

MR. GIELOW: I am not, no.
MEMBER FERRELL: Go ahead and raise your right hand.

Do you swear to tell the truth in the testimony you're about to give on this case?

MR. GIELOW: I do.

MEMBER FERRELL: Okay.

MR. GIELOW: Okay. So I'm here today to just request a proposed side yard variance of five feet, an aggregate side yard variance of nine feet and then proposed lot coverage of 36 percent. And really what that all boils down to is just a small addition on the front of the house which is going to enclose the porch, the porch up on the bottom floor and the second floor. Just to make it a more useable living space all year round.

Just to give you a quick idea, if you haven't seen the place before. So this is the -- I'm the little guy between these two big houses here.

This porch -- you can't really see it very well in the pictures because it's black and white, but there's a porch that extends eight feet and it sits on top of a poured foundation right now.

So the plan is just to take that eight feet
and to convert it to a livable space so we can use it just for our growing family house.

And then I have an additional photo here just to kind of give you more of an aerial view of where that porch comes out to. So that eight feet is where the end of the house would rest.

And I went through the variance request requirements and I just jotted down five things that I thought would meet the requirements. Number one, it's not really just something that we want. It's something that we kind of need the additional space to make it more of a comfortable home for our growing family.

There isn't a basement in this house so a lot of the square footage that we have is spent on utilities and the utility room and storage. The basement is one thing that I never really took for granted until I moved out into this place.

Number two, the property is unique in nature. It's a very narrow lot.

And you can see there, it's close to both sides of the property which makes it hard to build or do any sort of improvement without going through this variance request.
Number three, we didn't create the situation. It's a house from the early 1900s and it was built on a very small plot of land and it hasn't really been developed a bunch. There was an addition at one point, but it's still -- much of the house is very old.

Four, it wouldn't reasonably interfere with the surrounding properties. I did talk to the neighbors on both sides and they were fine with the drawings that I showed them.

I'm not sure, sir, what responses you got back written. But in terms of the neighbors that I did talk to they were fine with it.

And then I don't think just coming out the additional eight feet -- as you can see in the picture, I don't think it interferes with any views.

And I think the request is reasonable just because it is only that eight feet. We're not trying to add a significant portion of, you know, entirely new rooms. We're just trying to extend and make that space a little bit more useable.

Another thing to consider is the safety measures. Just because the neighbor to the east, which is on the left side of the house is very close to the
property line, and one thing that's required when you're building these houses with the close proximity is to have a fire rated exterior wall. So that would be required in the addition portion. And what I talked about with the neighbor is that, if I'm going to be redoing the siding while I'm improving the addition, I'm also going to try and make that a fire rated the interior length of the house so it's not just the front view portion that is fire rated.

And right now it's built in -- we're not even sure the year it's built, early 1900s. It's not up to code in terms of fire standards. So I think that would actually be a plus if we were able to build out on this and kind of improve it overall.

And then the fifth point I had here was just reading through the terms of the variances. It is consistent with spirit and intent of the ordinance due to the fact that it is an older property. And when it was built, it didn't meet any of the current ordinances. If the variance wasn't granted, then these improvements, they wouldn't be available.

So to me I think it's a very reasonable request that meets all of the guidelines. And I do
have additional documentation if there is any questions on exactly what it would look like or what we're building.

CHAIRPERSON KRIEGER: Very good. That's it?

MR. GIELOW: Yup.

CHAIRPERSON KRIEGER: Anybody notice audience?

Yes?

MR. ANGUS: Nice job.

My name is Dorothy Duchesneau. I own the house at 125 Henning and I am here to support his request for the side yard variances in order to expand the front living area of his home, since that will help match the existing front yard setbacks of the neighbors along South Lake Drive.

In this area many of the houses were built on small lots over many areas. And this improvement does fit in with the City and similar and yet dissimilar ordinance as to the front yard setbacks of the neighboring homes. It also falls in line with the City policy of neighborhood preservation, allows the improvement and the expansion of the home without sacrificing any of the existing shoreline character.
It will increase the value of the home and of the neighborhood.

I'm all for it. Thank you.

CHAIRPERSON KRIEGER: Thank you.

Yes?

MR. DUCHESNEAU: Michel Duchesneau, 1191 South Lake Drive. And I'm in support of granting this variance. It does improve the neighborhood. It's consistent with the intent of the master plan to find a way to revitalize the older areas. And I do not see any issues with bringing this closer to the road to be consistent with the neighbors.

Thank you.

CHAIRPERSON KRIEGER: Thank you.

From the City?

MR. BUTLER: No comment.

CHAIRPERSON KRIEGER: Okay. Thank you.

From the correspondence?

MEMBER FERRELL: Yes, Madame Chair, we had 31 letters mailed, one letter returned. Zero approvals. Zero objections.

CHAIRPERSON KRIEGER: Thank you very much.

And open it up to the board for questions.
Yes, Member Sanghvi?

MEMBER SANGHVI: Thank you. I came and visited your whole area the other day and I agree it's a very small lot and even smaller house there. And if you need more space, I can understand that. So really I have no objection to your request. Thank you.

MEMBER GRONACHAN: Anyone else?

CHAIRPERSON KRIEGER: I agree.

I drove by myself and there's not very much space to work with and it sounds like you got an excellent plan. So I'm also in support.

MR. GIELOW: Thank you.

CHAIRPERSON KRIEGER: Hear a motion, then.

Or any other questions?

MEMBER GRONACHAN: I'll do the motion.

CHAIRPERSON KRIEGER: Okay.

MEMBER GRONACHAN: In case number ...

MEMBER SANGHVI: PZ18-0004.

MEMBER GRONACHAN: I got it. I got it.

In case number PZ18-0004 for Zack Gielow, I move that we grant the variance for the 5.05 feet side yard variance. The aggregate for the side yard of 9.05 and the proposed lot coverage of 30 percent.
MEMBER SANGHVI: 36 percent.

MEMBER GRONACHAN: Is it 30 percent or 36?

MEMBER PEDDIBOYINA: 36.

MEMBER GRONACHAN: 36 percent?

MS. OPPERMAN: Um-hmm.

MEMBER GRONACHAN: Because the petitioner has shown a practical difficulty requiring -- I'm sorry. Because the petitioner has shown a practical difficulty due to lot size, uniqueness and shape.

Without the variance, the petitioner will be unreasonably prevented or limited with respect to the use of the property because, again, of the unusual shape of the lot, the narrowness and, basically, no other place to go as given in his testimony. Example, no basement.

The property is unique because of the size of the lot, the shape of the lot and the depth of the lot. The petitioner did not create the condition because the lot shaped about -- because of the lot's shape and size.

The relief granted will not unreasonably interfere with adjacent or surrounding parties (sic) because it fits with the other unique lot sizes and
The relief is consistent with the spirit and intent of the distant and the -- I'm sorry.

Is consistent with the spirit and intent of the ordinance because of the various shapes and sizes of the other homes and, as given in previous testimony, the similar, dissimilar part of the ordinance.

Therefore, I move that this variance be granted based on this given testimony of the petitioner and these instances so stated in my motion.

MEMBER SANGHVI: Second.

CHAIRPERSON KRIEGER: All right. We have a motion and a second.

If you could call the roll, please.

MS. OPPERMAN: Member Sanghvi?

MEMBER SANGHVI: Yes.

MS. OPPERMAN: Member Peddiboyina?

MEMBER PEDDIBOYINA: Yes.

MS. OPPERMAN: Member Olsen?

MEMBER OLSEN: Yes.

MS. OPPERMAN: Chairperson Krieger?

CHAIRPERSON KRIEGER: Yes.

MS. OPPERMAN: Member Gronachan?
MEMBER GRONACHAN: Yes.

MS. OPPERMANN: Member Ferrell?

MEMBER FERRELL: Yes.

MS. OPPERMANN: Member Byrwa?

MEMBER BYRWA: Yes.

MS. OPPERMANN: Motion passes.

CHAIRPERSON KRIEGER: Congratulations.

MR. GIELOW: Thank you.

CHAIRPERSON KRIEGER: You can see the planning department.

MR. GIELOW: Thank you.

CHAIRPERSON KRIEGER: And we look forward to that.

All right. The next case is PZ18-0007, Robert Brand's Environments for 21651 Fenway Drive, west of Novi Road and south of Nine Mile. The applicant is requesting a variance from the ordinance 4.19.E.I. for a 682 square foot variance for a proposed accessory structure of 1,532 square feet, 850 feet allowed by code. The property is zoned single family resident.

Yes, sir?

MR. BRAND: Yes. Robert Brand, B-r-a-n-d,
32212 Westlady in Beverly Hills, 48025.

MEMBER FERRELL: Are you an attorney?

MR. BRAND: I am not.

MEMBER FERRELL: Okay. Raise your right hand.

Do you swear to tell the truth in the testimony you're about to give in this case.

MR. BRAND: I do. I do. My client would like to build a detached garage. I've got the site plan up on the board. This is kind of an unusual situation. I'm going to turn this so you can see. Orient it more north and south.

So the southern -- the bottom property line abuts the Westridge Downs subdivision where the houses are a third to a quarter of an acre. The property on the north is another large parcel that has quite a few garages and outbuildings.

Just to clarify, in the way the variance is worded, I just want to make sure you clearly understand that we're not looking for an accessory structure of 1500 square. The garage is actually 832 square feet. So the 1532 is the aggregate of the existing garage that's attached to the house and the new structure. So
the new structure is 850 square feet.

This is just a quick overview of the property that abuts them on the north side. It's zoned exactly the same, and it's got a total of 2650 more square feet of garages.

This is what the current house looks like. The architecture of the proposed garage is identical. The brick will be the same. The siding will be the same. The shingles will be the same. And the new garage sits forward and to your left of the existing garage and the elevation is two feet lower in the ground. So it's nestled into the woods that's surrounding the property.

I think that's about it.

CHAIRPERSON KRIEGER: Okay. Does anybody in the audience have any participation?

Okay. No participation.

From the City?

MR. BUTLER: No comments from the City at this time.

CHAIRPERSON KRIEGER: Okay. Correspondence?

MEMBER FERRELL: Yes, Madame Chair, there was 31 letters mailed, zero letters returned. Zero
approvals and one objection.

The objection is from Patrick and Catherine Gibson, G-i-b-s-o-n, at 43988 Foothills Court, Northville, Michigan 48168.

"The variance proposed a near doubling of the allowed square footage for a residential accessory structure. The ordinance was established for a reason. This is a single-family residency, not a commercial or multi-family lot. Adding a 1532 square foot structure is equivalent to a medium-sized second house.

"We feel the structure is excessive for the area, damages esthetic beauty, and will negatively impact surrounding property values and lead to excessive noise after completion, roaring engines or loud entertainment space.

"We feel the property owner should limit any accessory structure to the Novi Zoning limit as established, 850 feet."

That is it.

CHAIRPERSON KRIEGER: Very good. I'll open it up to the board.

Yes, Member Sanghvi.

MEMBER SANGHVI: Thank you.
I came and visited your property the other day.

MR. BRAND: Oh, did you?

MEMBER SANGHVI: Are you the only house on that street?

MR. BRAND: Yes. There's a stub of a road that comes off of Westridge that apparently at some point in history was going to be an extension, but their driveway, the Arneys' driveway, actually is the extension of the road. And there's some empty parcels to the east of their driveway and then, like I said, there's a large multi-acre piece to the north. And then their property is 1.7 about nine acres.

And this is just -- anyone, obviously, has a right to object. I just want to point out that if you look real, real, real closely at the tip of my finger, the picture is taken from the spot of the building envelope, and that is the neighbor's house that sent the objection.

So it's pretty far off of the sight lines of any the building.

MEMBER SANGHVI: How large is your property?

MR. BRAND: 1.79 acres.
It's actually more in line with the -- what
is it? The R-1 or R-2 zoning.

Yeah, it's actually more -- it's zoned R-3,
but it's more in keeping of R-A or R-1 in terms of the
size of the lot.

MEMBER SANGHVI: When I came there and looked
at it and tried to visualize where you're putting your
new garage, it looks like it's probably going to be --
you had a very small house for the size of the property
there and you have a lot of space to put this new
garage. So I personally have no problem with your
requirements. Thank you.

MR. BRAND: Thank you.

CHAIRPERSON KRIEGER: Thank you.

Other questions?

MEMBER GRONACHAN: Oh, yeah. Can I begin?

CHAIRPERSON KRIEGER: Yes.

MEMBER GRONACHAN: Good evening. I thought
that the information in the packet that you provided --
and I'm going to reiterate some of it because I would
like it to part of the testimony.

MR. BRAND: Okay.

MEMBER GRONACHAN: And the part I would like
to bring forth is the fact that the current garage is very outdated.

MR. BRAND: Correct.

MEMBER GRONACHAN: And in this day and age, there are a lot of vehicles, as you mentioned in the case, that are a lot larger and can't fit in the current garage. And I think that's important because, given the size of your lot, I don't feel that this structure is in excess. I use the word similar, dissimilar, but this is consistent with the property that you have. And given that the hardship would be that the house -- the current house that you have really couldn't be used because of the current day vehicle's, as given in the case, I would tend to support the additional garage.

I do want to verify that there's not going to be any business use; is that correct?

MR. BRAND: That's correct.

MEMBER GRONACHAN: This is strictly for personal use?

MR. BRAND: Absolutely.

MEMBER GRONACHAN: And, again, I want to clarify. Because I think that a lot of people thought
that this was going to be a 1500 foot garage.

MR. BRAND: That's -- I want to make sure that that was -- you read it clearly. It's just 1532 square foot.

MEMBER GRONACHAN: So I thank you for that.

MR. BRAND: And I'm sure that's what perhaps the neighbor who objected. Sounds like they read it that way also.

MEMBER GRONACHAN: Right. So I want to make sure that's clarified and that there's not going to be any living space above the garage. It's going to be a one-story and it's strictly used for storage?

MR. BRAND: Correct.

MEMBER GRONACHAN: Given on that, I have no problem with this request and I think it's minimal and it meets the spirit of the ordinance and I will be supporting your request.

MR. BRAND: I thank you.

CHAIRPERSON KRIEGER: Yes?

MEMBER FERRELL: I have a question for the city attorney.

Was it posted at 1532 square feet?

MS. SAARELA: Even if it was posted that way,
because he's building something smaller it doesn't matter.

MEMBER FERRELL: Okay.

MS. SAARELA: You only have to renotice if you're proposing something larger than what was noticed.

MEMBER FERRELL: Okay. All right. Thank you.

CHAIRPERSON KRIEGER: Yes?

MEMBER PEDDIBOYINA: I have no objections. And with the limits of what you said and what you mentioned in the testimony, I have no objections.

MR. BRAND: Thank you.

CHAIRPERSON KRIEGER: Cool.

MEMBER GRONACHAN: Do I hear a motion?

CHAIRPERSON KRIEGER: Meanwhile, is this going to be for a two-car garage?

MR. BRAND: Yes.

CHAIRPERSON KRIEGER: And through your testimony and what was presented, I also have no objection with that.

MEMBER GRONACHAN: I'll step up. I'll make the motion.
Madame Chair, I would like to move that we grant the variance in case number PZ18-0007 sought by Robert Brand's Environment for 21651 Fenway Drive, Novi for the 800 -- for the -- I'm sorry.

For the 682 square foot variance for a proposed accessory structure of 1532 feet total.

Because the petitioner has shown practical difficulty during his testimony and in our packet, as so stated at this table. Indicating one, that the house is outdated and cannot house the current type of vehicles that are made today.

MEMBER SANGHVI: The garage is outdated.
MEMBER GRONACHAN: Oh, well, the house, too. Who knows.

I'm sorry. The garage is outdated. Without the variance the petitioner would be unreasonably prevented or limited with respect to the use of the property because, as mentioned, storage is a problem and this will help him utilize his 1.79 acres to his advantage.

The property is unique, again, as given in the testimony based on size and shape and uniqueness in the neighborhood.
The petitioner did not create this condition because of the type of dwelling that is currently on the property.

The relief granted would not unreasonably interfere with the adjacent and surrounding properties, again, as given in testimony here this evening that there are really not a lot of surrounding properties to the property in question and that there is a big distance in between the property lines.

The relief is consistent with the spirit and intent of this ordinance because, by building this garage, the petitioner can use this property as he sees fit. There would be no commercial use in this building and that there is no living quarters in this building and is it strictly a one-story building.

MEMBER SANGHVI: Second.

CHAIRPERSON KRIEGER: There's a motion and second.

If you could call the roll, please.

MS. OPPERMAN: Member Byrwa?

MEMBER BYRWA: Yes.

MS. OPPERMAN: Member Ferrell?

MEMBER FERRELL: Yes.
MS. OPPERMANN: Member Gronachan?
MEMBER GRONACHAN: Yes.

MS. OPPERMANN: Chairperson Krieger?
CHAIRPERSON KRIEGER: Yes.

MS. OPPERMANN: Member Olsen?
MEMBER OLSEN: Yes.

MS. OPPERMANN: Member Peddiboyina?
MEMBER PEDDIBOYINA: Yes.

MS. OPPERMANN: And Member Sanghvi?
MEMBER SANGHVI: Yes.

MS. OPPERMANN: Motion passes.

MR. BRAND: Thanks for your time. Appreciate it.

MEMBER GRONACHAN: Thank you.

CHAIRPERSON KRIEGER: And before I call the last one, if for counsel, I have a counsel. If I received a letter, because I'm in 300 feet from the city, regarding the case, do I have to recuse myself?

MS. SAARELA: Yes, you should. That would be impacting your property. It would be someone with an interest potentially in the outcome of the variance.

You can recuse yourself if you think you can't make an impartial decision.
CHAIRPERSON KRIEGER: I guess either I would like to in this next case I would like to recuse myself, if somebody else can run the case.

MEMBER GRONACHAN: Sure. Vice chair.

MEMBER FERRELL: Sure.

CHAIRPERSON KRIEGER: Thank you, sir.

(Chairperson Krieger exits hearing room.)

MEMBER FERRELL: The next case is PZ18-0008, Metro Signs at 44840 North Hills Drive, east of Taft and south of Nine Mile Road. Parcel number 5-22-34-127-002.

The applicant is requesting a variance from the City of Novi Code Ordinance, Section 28.5(f), for the installation of a new proposed sign, one foot from the right of way, 10 feet required by code. This proposal is zoned low density multi-family, R-1-1.

MR. FERGUSON: Good evening.

MEMBER FERRELL: Go ahead and state your name and spell it.

MR. FERGUSON: Yes, Paul Ferguson, F-e-r-g-u-s-o-n, 11144 Kaltz, K-a-l-t-z, Warren, Michigan 48089.

MEMBER FERRELL: Okay. Are you an attorney?
MR. FERGUSON: I am not.

MEMBER FERRELL: Go ahead and raise your right hand.

Do you swear to tell the truth in the case you're about to give testimony in?

MR. FERGUSON: Yes, sir. I do.

MEMBER FERRELL: Okay. Go ahead.

MR. FERGUSON: I'm the sign guy. I am not the property owner. I'm familiar very much with this detail. And it's in regards to, if I'm not mistaken, the east entrance where the topography has a really ridiculous slope.

So did any board member, by chance, take a look? Drive by it? Because I don't know if my words can kind of describe it and I don't think there was a photo kind of showing the slope of the entrance. And there's an existing sign that was the original sign to the property that is there right now.

It does lie parallel to the street. But that's kind of right where the setback is where we're looking to put our new sign because of what the slope is. If we move the sign back to the -- the leading edge of the new sign to the 10-foot setback, we would
be kind of -- the top of our sign would be just buried on the traffic traveling east and west of Nine Mile Road.

So we kind of have a hardship just by the existing property and the slope. It would just be nonexistent if we would utilize the 10-foot setback. So we are requesting a variance to put the sign where the existing sign is sitting.

MEMBER FERRELL: All set?

MR. FERGUSON: Yes, sir.

MEMBER FERRELL: Anything from the City?

MR. BUTLER: Nothing from the City.

MEMBER FERRELL: Correspondence. 54 letters mailed, one letter returned, zero approvals and zero objections.

MEMBER GRONACHAN: Check the audience.

MEMBER FERRELL: Anybody in the audience have anything they want to come up and talk about this case?

Seeing none. Open it up to the board.

MEMBER PEDDIBOYINA: Yeah. I would state this sign board and I see the slope on the area. I can see that. I have no objections.

MR. FERGUSON: Thank you. I appreciate that.
MEMBER FERRELL: Anybody else?

MEMBER SANGHVI: I came and visited your sign and the area that you're trying to propose and all that. I agree there is a big gradient there and the old building is at a different level than the road and all kinds of problems with the visibility. So I agree with your request. Thank you.

MR. FERGUSON: Thank you.

MEMBER FERRELL: Yes?

MEMBER BYRWA: I have a question on the intensity of illumination. Is there any kind of measurement or any way of controlling?

MR. FERGUSON: You know, I actually have the drawing here with a packet I printed out, and I'll put it up on the screen really quickly for you.

So this sign as it's designed it, is internally illuminated. It will be with LEDs. They're commercial grade, 3405s. They are white. They're not the high powered white ones but where you see the green that spells out "North Village" and "Apartment", that's the only part of the sign that illuminates. You can see in the upper right-hand corner that's what it will look like at nighttime. So it's not going to be a --
it's not going to look like Las Vegas.

MEMBER BYRWA: Okay. Is that controlled by, like, a light sensor where it is going to be on during evening hours?

MR. FERGUSON: Actually, what we're going to do -- yes. So it will be a timer, a digital timer where we can physically set the time as the -- you know, as the months change and the light is changing so we don't have to deal with photocells and all that kind of stuff. It will be physically controlled in the main office area. So only at nighttime and they'll kind of be watching that to make sure it just illuminates when it's dark.

MEMBER BYRWA: Thank you.

MR. FERGUSON: Yes, sir.

MEMBER FERRELL: Anybody else?

A motion? Yes.

MEMBER PEDDIBOYINA: Okay. I move that we grant the variance in case number PZ18-0008 sought by Paul Ferguson for Detroit Metro Signs because the petitioner has shown a practical difficulty requiring a variance from the City of Novi Code of Ordinance Section 28.5(f) for the installation of the new sign
one foot from the right-of-way.

Without the variance, the petitioner will be un invisibly prevented or limited with respect to the use of the property because of the shape of the lot. It is a slope that is naturally part of the topography. As of right now this sign is 18 inches below the grade.

The property is unique because the slope is present in the lot. The petitioner did not create the condition because the slope is part of the natural land shape. This lot was there and existing.

The relief granted will not unreasonably interfere with adjacent and surrounding properties because it is a sign that will in no way invade on any other properties.

The relief is consistent with the spirit and intent of the ordinance because it is not a sign that is ward (ph) bearing and fits with the proportion of the apartment complex, is clearly a visible sign that isn't commanding for its surroundings. The variance is granted.

MEMBER GRONACHAN: Second.

MEMBER FERRELL: The motion is seconded. Any other discussion?
Seeing none. Will you call the roll.

MS. OPPERMAN: Member Sanghvi?

MEMBER SANGHVI: Yes.

MS. OPPERMAN: Member Peddiboyina?

MEMBER PEDDIBOYINA: Yes.

MS. OPPERMAN: Member Olsen?

MEMBER OLSEN: Yes.

MS. OPPERMAN: Member Gronachan?

MEMBER GRONACHAN: Yes.

MS. OPPERMAN: Member Ferrell?

MEMBER FERRELL: Yes.

MS. OPPERMAN: And Member Byrwa?

MEMBER BYRWA: Yes.

MS. OPPERMAN: Motion passes.

MR. FERGUSON: Thank you very much.

MEMBER FERRELL: Congratulations.

MR. FERGUSON: Thank you.

MEMBER FERRELL: Member Byrwa, can you grab the chairperson, please.

(Member Krieger re-enters hearing room.)

CHAIRPERSON KRIEGER: All set. So we're finished with all our cases tonight. Appreciate everyone coming. So a motion to adjourn.
 MEMBER FERRELL: So moved.

 MEMBER PEDDIBOYINA: So moved.

 CHAIRPERSON KRIEGER: All in favor? Aye.

 MEMBER SANGHVI: Aye.

 MEMBER PEDDIBOYINA: Aye.

 MEMBER OLSEN: Aye.

 MEMBER GRONACHAN: Aye.

 MEMBER FERRELL: Aye.

 MEMBER BYRWA: Aye.

 CHAIRPERSON KRIEGER: We're adjourned. Thank you.

 (At 8:00 p.m., meeting concluded.)

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CERTIFICATE

STATE OF MICHIGAN)
)
COUNTY OF OAKLAND)

I, Darlene K. May, do hereby certify that I have recorded stenographically the proceedings had and testimony taken in the above-entitled matter at the time and place hereinbefore set forth, and I do further certify that the foregoing transcript, consisting of fifty-seven (57) typewritten pages, is a true and correct transcript of my said stenographic notes.

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

April 24, 2018
(Date)