REGULAR MEETING - ZONING BOARD OF APPEALS CITY OF NOVI

TUESDAY, NOVEMBER 20, 2018 7:00 P.M.
Council Chambers | Novi Civic Center | 45175 W. Ten Mile Road

BOARD MEMBERS :
Linda Krieger, Chairperson
Cynthia Gronachan
David M. Byrwa
Siddharth Mav
Joe Peddiboyina

ALSO PRESENT:
Elizabeth Saarela, City Attorney
Lawrence Butler, Comm. Development, Dep. Director Katherine Oppermann, Recording Secretary

Reported by:
Darlene K. May, Certified Shorthand Reporter

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| Tuesday, November 20, 2018 |  |
| $7: 00$ p.m. |  |

CHAIRPERSON KRIEGER: Good evening and welcome to the Novi Zoning Board of Appeals meeting for November, Tuesday the 20th. And seven o'clock.

And if we could all rise for the Pledge of Allegiance.

And if Member Byrwa could lead us.
(Pledge of allegiance.)
CHAIRPERSON KRIEGER: Question for quorum notes. For tonight we don't have a full board. It's not a full board.

MS. SAARELA: It's not a full board, but we have a quorum. Yeah.

CHAIRPERSON KRIEGER: Right. So we have a quorum. So this isn't an issue for four members?

MS. SAARELA: You can still have the meeting.
MEMBER BYRWA: They would need all five votes to carry their variance.

MS. SAARELA: You need four.
MEMBER BYRWA: Four?

CHAIRPERSON KRIEGER: Unless it's a -MS. SAARELA: Use variance. Which you don't have any use variances.

CHAIRPERSON KRIEGER: Very good.
So we will call the role, then.
MS. OPPERMAN: Member Byrwa?
MEMBER BYRWA: Here.
MS. OPPERMAN: Member Ferrell is absent, excused.

Member Gronachan?
MEMBER GRONACHAN: Here.
MS. OPPERMAN: Chairperson Krieger?
CHAIRPERSON KRIEGER: Here.
MS. OPPERMAN: Member Nafso is absent, excused and Member Olsen is absent, excused.

Member Peddiboyina.
MEMBER PEDDIBOYINA: Yes.
CHAIRPERSON KRIEGER: And Member Sanghvi.
MEMBER SANGHVI: Yes.
CHAIRPERSON KRIEGER: So we have most of our members here. So we have enough for making -- passing variances. It, essentially, takes four board members to pass variances on our agenda tonight.

Is there any changes to our agenda?
MS. OPPERMAN: There are not.
CHAIRPERSON KRIEGER: Okay. Very good. Do we have a motion to --

MEMBER GRONACHAN: So moved.
MEMBER SANGHVI: Second.

CHAIRPERSON KRIEGER: We have a motion
approved. All in favor say "Aye."
Aye.
MEMBER GRONACHAN: Aye.
MEMBER BYRWA: Aye.
MEMBER PEDDIBOYINA: Aye.
MEMBER SANGHVI: Aye.
CHAIRPERSON KRIEGER: Yes?
MS. SAARELA: So it's simple majority for the sign variances, though. So, three.

CHAIRPERSON KRIEGER: Okay.
MEMBER BYRWA: Three of the five.
CHAIRPERSON KRIEGER: Very good. We have enough.

This is a public hearing format and rules of conduct and the information is in the back regarding that and on the internet site as well.


THE BOARD: So moved.
MEMBER PEDDIBOYINA: I second.
CHAIRPERSON SANGHVI: Very good. So we have a motion and a second for October minutes. All in favor say, "Aye."

Aye
MEMBER GRONACHAN: Aye.
MEMBER BYRWA: Aye.
MEMBER PEDDIBOYINA: Aye.
MEMBER, SANGHVI, aye.
CHAIRPERSON KRIEGER: None opposed. Okay.
So our October 2018 minutes are also passed.
So we come to public remarks. Is there anyone in the audience that has a remark regarding anything other than our cases that we have tonight?

And seeing none, we'll close that for now.
Public hearings, we have six cases tonight and the first one is PZ18-0046, Scott Pernia for 22556 Montebello Court, west of Novi Road and north of Nine Mile Road. The applicant is requesting a variance from the City Code of Ordinances 4.19.1.E.i. to allow an additional 635 square feet for a proposed 1411 square foot accessory building attached garage with 611 square
feet of attic storage, 850 square feet allowed.
The property is zoned single family residential, R-3.

And if the petitioner could come to the podium, state your name and spell it for our court recorder (sic). And if you're not an attorney, be sworn in.

MR. PERNIA: Scott Pernia, P-e-r-n-i-a. I'm not --

MEMBER BYRWA: Scott, could you raise your right hand, please.

MR. PERNIA: Sure.
MEMBER BYRWA: Do you swear to tell the truth and the whole truth?

MR. PERNIA: I do.
MEMBER BYRWA: Thank you.
CHAIRPERSON KRIEGER: Very good. Proceed.
MR. PERNIA: Okay. As mentioned, I'm here tonight to request a variance for an accessory structure, dimensional variance to accommodate some new features on the property and also enable barrier-free accessibility with garage parking that's, basically, matched to the size of the home.

I'm just -- will this show up?
CHAIRPERSON KRIEGER: Yes. You just put it on there and it will show up back here.

MR. PERNIA: So just real quickly, we have an overall ranch floor plan geared towards accessibility. Including some features like an elevator, garage entry, access ramp here. I'll get back to that in a second.

The next thing is just to look at the unique lot. So there's a couple of unique lot features. This right here is an overview of the lot. There's about a 30 -foot grade change from the northeast corner of the property to the south and southwest corner of the property. There's some large trees, shown here, on the eastern portion of the property. The property itself drains back into the Miller Creek.

And in terms of overall dimensions, the size of the property is significantly oversized for the $R-3$ district. It actually exceeds the area requirements for other zoning districts where an accessory structure of the size being proposed here would be permitted without a variance.

The lot topography itself constrains the options for the home and garage orientation. So
requiring the garage to be over here on the eastern portion of the property or the higher ground. Also setting the relationship between the different elevations on the home between where the basement walkout would be, the main level, and then also the garage elevation in terms of the heights and how much area is required for the entry in the garage.

Without the variance, the usable garage area would end up being mismatched to the home size. It would also limit the amount of requiring cars to be parked out here on the driveway with the trees that I mentioned, then exposing, you know, the trees to falling ice, et cetera, from those. We're really looking to keep these large trees associated with, you know, the property for aesthetical reasons. Worked with the architect really diligently to minimize the required variance. As mentioned, worked to optimize the elevation changes between the basement level, the main level and the garage. Minimizing the amount of a space for the entry ramp here in the garage, which is driving the need for the variance. And then also reduced the north bay here, the depth dimension of it, from the south bay to try to
minimize the overall area of the garage.
My personal preference, of course, would be to carry the garage on through in terms of a larger overall size, but kind of in the spirit of minimizing the variance, went ahead and reduced this garage depth as well.

In terms of impact on the surrounding area, we -- I'm sorry. One second here.

We worked to minimize the garage appearance in general, recessing the garage into the home, making it look that -- difficult to discern where the garage would start and the rest of the home would be, both from a front perspective and then on the side. Recessing it into the garage itself to minimize the impact.

We did secure support from the homeowners association reviewing the plans. And then also spoke with the neighbors, reviewed the plan with all the neighbors, received positive feedback from them and then also spoke with the neighbor who owns the three parcels across the street backing up to the property who provided a strong letter of support, actually noting a few different things here as well in terms of
the visual here and reducing clutter with the garage as well.

CHAIRPERSON KRIEGER: That's it?
MR. PERNIA: That's it, I guess.
CHAIRPERSON KRIEGER: Okay. Very good.
Thank you very much.
Is there anyone in the audience that would like to speak regarding this case?

Okay. Seeing none. We'll close it to that. And to the City, Mr. Butler?

MR. BUTLER: Yeah. There was -- I just want to say that the existing lot is about 29,000 square feet.

Is that correct on that?
It was really hard to read that in the print.
MR. PERNIA: I actually think it's about 25 or 6,000 square feet. But in any case, more than twice the size required for $R-3$. So much, much larger than R-3.

MR. BUTLER: Which is larger than a typical topography lot. So it's a very large lot.

CHAIRPERSON KRIEGER: Okay. And correspondence?
MEMBER BYRWA: Correspondence: We sent out
16 letters. Three letters were returned and we got one
approval and zero objections.
CHAIRPERSON KRIEGER: Is the approval the

MS. OPPERMAN: Um-hmm.
CHAIRPERSON KRIEGER: So you don't have to read it.

Very good. Then I'll open it up to the Board.

Yes, Member Sanghvi?
MEMBER SANGHVI: Thank you. I came and drove around the lot over there a couple of days ago. You have quite a few challenges there to organize this house. How big is the house, actually, for this size of a garage?

MR. PERNIA: The house is about 3,600 square feet plus a 400 square foot sunroom. So call it 4,000 square foot useable space, main level ranch.

MEMBER SANGHVI: Very good. You did a remarkable job of putting this together in this lot. I have no problem with your request. Thank you.

MR. PERNIA: Thank you.

CHAIRPERSON KRIEGER: Yes, Member Byrwa?
MEMBER BYRWA: Yes. I've got, maybe, a reminder. I serve on one of the other City's boards. It's called the Construction Board of Appeals. And there's a city ordinance. You mentioned that you have a pretty ambitious slope and terrain on your lot that you're dealing with.

MR. PERNIA: Yes.
MEMBER BYRWA: One of the requirements that the City of Novi has is that your driveway cannot exceed a one and 10 or a 10 percent slope. So you might want to double check it with the builder and make sure that you're not going to run into a too steep of a driveway there.

MR. PERNIA: Sure. And that's exactly what I was mentioning, I guess, when we were working on ...

Do you have a better? You don't have a better plan. Sorry.

So with the lot in general, right there's a -- hang on. I'll go with this one.

There's the road here where there's an elevation change, here to the back, and then also this side. And appreciate the comments. We've worked to
try and accommodate all of those with the slopes.
MEMBER BYRWA: Okay.
MR. PERNIA: The basement depth was actually increased to 12 feet deep on the western portion of the lot that made all those work out as best as possible. MEMBER BYRWA: Okay. So you are aware of that?

MR. PERNIA: Yes. And it is less than the 10 percent.

MEMBER BYRWA: Great. Thank you.
CHAIRPERSON KRIEGER: Yes, Member Gronachan? MEMBER GRONACHAN: Thank you.

Good evening. Your presentation was good; however, I'm looking for the reason -- I understand it's a 4,000 square foot home. So, obviously, you want a bigger garage and I understand that you have some topography challenges which is why you are doing what you're doing. What $I$ don't have a full understanding of is the attic storage which is adding to your request for a variance. Am I reading that right? 611 square feet of attic storage space.

MR. PERNIA: Sure. And that's -- so the variance -- so there was a little bit of a question
with the Building Department on how to quantify that. The difference here would be if you had a colonial and you went into the area over the garage from one of the rooms inside the house, that -- my understanding, is that wouldn't matter. You know, it wouldn't be needed for any type of variance.

Also, in the garage, if you had a pull-down staircase, they wouldn't assume anything special about the area. In this case, we're actually putting a walkup staircase to help with the accessibility and it leads to the area above the garage. In that case that's the 611 square feet. And for completeness in talking to the Building Department we included that in the variance request.

MEMBER GRONACHAN: So that's what is driving the size of the variance?

MR. PERNIA: No. The size of the variance is by the main footprint of the garage. Then on top of the garage there's this attic storage area where it would not be listed at all if it was a colonial and you accessed that area from inside the house, you know, a standard kind of door you open.

MEMBER GRONACHAN: Right.

MR. PERNIA: Or if there was a pull-down staircase in the garage.

MEMBER GRONACHAN: Okay.
MR. PERNIA: But because we have a -- this staircase right here is a walkup staircase and it's outside the mud room area, the way it's shown ...

MEMBER GRONACHAN: Yeah.
MR. PERNIA: There was a discussion that I had with the Building Department and the agreement was the best way to quantify it for completeness would be to just list it in the variance request like that.

MEMBER GRONACHAN: Okay. And how many car garage would this be?

MR. PERNIA: It would be a three and a half useable with the ramp put in there or a four-car garage or double door entry, if the ramp was not there. MEMBER GRONACHAN: Okay.

MR. PERNIA: So it will appear as a four-car garage from the street with the two entry doors. MEMBER SANGHVI: With no basement? MEMBER GRONACHAN: Okay. And no basement? MR. PERNIA: There is a basement in the house.

MEMBER GRONACHAN: There is a basement.
MR. PERNIA: It's a walkout basement. So
there is a basement. It's a walkout. It's shown on ...

MEMBER GRONACHAN: I thought I saw it. MR. PERNIA: It's right here. There you go. MEMBER GRONACHAN: Okay. Sorry about that. Okay. Given the presentation of this case plus the facts that the petitioner stated along with the challenges of the lot size, the topography and all of that and the presentation stated, I have no problem with this and will be in full support. I think that given the size of the house calls for the size of the garage. I have a one-car garage so it's a challenge every day. I would love a four-car garage. So I'm in full support.

Thank you.
MR. PERNIA: Thank you very much.
CHAIRPERSON KRIEGER: Thank you very much. I do have a question with the space in the house and the walkout basement and the slope for drainage into the creek. That's built into how you've designed the home? MR. PERNIA: Correct. You mean the drainage
for the house will be built into the ...
CHAIRPERSON KRIEGER: Yeah. I don't know how the slope of the strait works with that, but as the water drains it will end up in the creek.

MR. PERNIA: Yeah. So the final drainage and grading plans aren't approved yet. This is the proposal and what this would be with the retaining walls placed here and built up.

CHAIRPERSON KRIEGER: Very good. I'm only asking because I also have that issue because I back up to a creek and a walkout basement. So where the water ends up is it in the basement or outside is important.

MR. PERNIA: Sure. On this portion there is a drainage easement over here on this portion of the property. This portion of the property is sloped towards this drainage easement. And then this part of the property has to be, I guess, finalized with the City.

CHAIRPERSON KRIEGER: So it shows more uniqueness of your area and helped you to not create the condition as you're dealing with this site. So I'm also in favor and thank you for your presentation. We have a motion, Member Peddiboyina?

MEMBER PEDDIBOYINA: No. I have a question. CHAIRPERSON KRIEGER: You have a question. Very good.

MEMBER PEDDIBOYINA: What is the total space of the garage? You say it's a four-car garage?

MR. PERNIA: Um-hmm.
MEMBER PEDDIBOYINA: What is the size of the total?

MR. PERNIA: So the area of this garage plus this area here is -- I believe it's 1411.

MEMBER GRONACHAN: Right. That's what I wrote.

MEMBER PEDDIBOYINA: The proposed is 1411 square foot?

MR. PERNIA: Correct. It's a 1411 square foot measured to the interior walls. So the variance at 635 square feet is a little bit larger because that's measured to the exterior walls. But on the blueprint it's listed interior walls.

MEMBER PEDDIBOYINA: Thank you for your presentation and I have no objection. Thank you.

CHAIRPERSON KRIEGER: Very good. Do we have a motion?
MEMBER GRONACHAN: I have a question. I'm 20
still not clear how we're getting 635 square foot for
the variance. Can somebody tell me how that number
came?

Because if it's the 1411 and it includes the 611 ...

MR. PERNIA: So the numbers should be 850 plus 635 gives the square footage of the outside perimeter of the garage.

MEMBER SANGHVI: And the variance of 561 feet.

MEMBER GRONACHAN: That's not what this says, though.

So it's 561 feet is the variance that they're looking for.

MR. PERNIA: The interior of the garage is the 1411 square feet.

MEMBER SANGHVI: Yeah.
MR. PERNIA: But the variance should be for the exterior walls of the garage.

MEMBER GRONACHAN: And that's why it's 635?
MR. PERNIA: So that's why it's the 850 plus the 635.

MEMBER SANGHVI: 850. Minus 850 is 561. MR. PERNIA: It should be 850 plus 635. CHAIRPERSON KRIEGER: 1485. MR. PERNIA: That's 1485. MEMBER PEDDIBOYINA: Yeah. 1485. MEMBER GRONACHAN: So it still doesn't add up to the way this is posted. Because we've got 1411. MEMBER SANGHVI: And if 850 is allowed. MEMBER GRONACHAN: If 850 is allowed and we're adding 6 -MEMBER SANGHVI: So it's 561. MEMBER GRONACHAN: Right. 561, not 635. MEMBER SANGHVI: There's a variance of 561. MEMBER GRONACHAN: To the City, do they have --

MR. PERNIA: So ...
MEMBER GRONACHAN: Hang on just one second.
Larry, do you have ...
MR. BUTLER: Actually, we went off the numbers that he gave us because he asked for additional 635. The numbers were provided for us.

MR. PERNIA: So the request for the variance was for 635 additional square feet.

MR. BUTLER: Right.
MR. PERNIA: The 1411 came about, I think, that was pulled off the cover page, maybe on the blueprint, which is an interior dimension.

MEMBER GRONACHAN: Go ahead. I'm sorry.
MR. PERNIA: So the 635 was what the variance request is for. The request is for 635 additional square feet.

MEMBER GRONACHAN: So is the garage going to be 1411 or 1485 when it's done?

MR. PERNIA: So the exterior walls of the garage will be 1485.

MEMBER GRONACHAN: Okay.
MR. PERNIA: The interior walls of the garage, which is listed on the blueprint documentation, is the 1411. So on the cover page of the blueprint it lists interior dimensions is how it's listed on the blueprint.

MEMBER GRONACHAN: Okay.
MR. PERNIA: And that's the 1411 number.
MEMBER GRONACHAN: Okay.
MR. PERNIA: The exterior number is the 850
plus the 635. Which, my understanding, is that's
what's required for the variance is the exterior dimension.

MEMBER GRONACHAN: Okay. So you can see where the confusion was there.

MR. PERNIA: I completely understand the confusion.

MEMBER GRONACHAN: In that case, then, now that I have that clarified, I can make a motion, Madame Chair.

CHAIRPERSON KRIEGER: Thank you.
MEMBER GRONACHAN: In case number -- I move that we grant the variance in case number PZ18-0046 sought by Scott Pernia at 22556 Montebello Court, Novi, Michigan, because the petitioner has shown practical difficulty requiring a 635 square foot variance for a proposed 1411 square foot accessory building or attached garage.

Without the variance, the petitioner would be unreasonably prevented or limited with respect to the use of the property because of the inability to have the storage space and use of a garage for his cars based on the 4,000 square foot size of the home.

The property is unique because of the lot
size, shape, configuration and landscaping issues. I also would like to note that the petitioner did not create this condition based on his testimony, and the topography, again, and the landscape and the lay of the property.

The relief granted would not unreasonably interfere with adjacent or surrounding properties because of the type of home that is being built to fit into this neighborhood. The relief if consistent with the -- the relief is consistent with the spirit and intent of the ordinance because it allows the petitioner to build on a difficult piece of property. Therefore, I move that this variance be granted.

MEMBER SANGHVI: Second.
CHAIRPERSON KRIEGER: We have a motion and a second. Any other discussion?

MR. PERNIA: Could I ask one question.
CHAIRPERSON KRIEGER: Should I allow for a question?

I can allow. Go ahead.
MR. PERNIA: I was just asking about the 611 square foot attic storage that was in the posting. I noticed that wasn't read.

MEMBER GRONACHAN: Do I have to include that in the motion?

MS. SAARELA: Is the variance only for the 635 square feet or is it some separate variance that is required for the attic space?

MEMBER BYRWA: The City doesn't have a maximum allowable attached garage?

MR. BUTLER: Well, it would be 635 square feet.

MEMBER GRONACHAN: But the 611 ...
That's 1461. That doesn't matching either. That's what $I$ was asking about the clarification on that.

MR. BUTLER: So, basically, they were asking for additional 635 square feet for a proposed 1411 square foot. So 1850 is what is allowed. And then there was the 635 on top of that. The 850 --

MEMBER GRONACHAN: So out of the 611 -- I'm sorry.

So out of the 635, 611 is for the attic?
MR. PERNIA: No. So what is proposed is for the main, the garage floor, to be the 850 plus the 635. So the variance request was for 635 additional square
feet. That's the main floor plus the exterior walls. MEMBER GRONACHAN: Okay. I get that part. MR. PERNIA: And then the 611 came from the -- that's the area of the attic storage on top of it.

MEMBER GRONACHAN: Right.
MR. PERNIA: And when I spoke with the Building Department, it wasn't clear -- you know, there wasn't clear in the zoning ordinance how to address that. Right?

In the colonial setup, you would just -there wouldn't be anything required there. If it had a pull down staircase, it wouldn't be required.

MEMBER GRONACHAN: Right. I get that. But is it 635 plus the 611 or it is just 635? That is what I was trying to clarify. Where does that 611 play into this and does it need to be addressed as part of a variance?

MEMBER SANGHVI: It's part of the variance. It's not separate.

MEMBER GRONACHAN: So is it 635 plus 611?
MEMBER SANGHVI: No.
CHAIRPERSON KRIEGER: It remains in the
circumference of the building. So it's a second floor. So does that have more to do with firewall with the rest of the house?

MEMBER GRONACHAN: No. It doesn't have nothing to do with a firewall.

MR. BUTLER: No. No.
MEMBER SANGHVI: That's including 611 of the attic.

MR. BUTLER: Yes, 611 was for your storage space in the attic, correct.

MR. PERNIA: The 611 is just for the attic, correct.

MR. BUTLER: That's just for the attic. The 635 plus the 850 was for your garage space, correct?

MR. PERNIA: Correct. The garage floor is the 850 plus the 635.

MEMBER GRONACHAN: So my question, again, is does he need a variance for the 611 for the storage space?

MR. BUTLER: That was what he wasn't sure because he wasn't clear on that so we added that in so the board can address it.

MEMBER GRONACHAN: So it's two things that we
have to approve; the 635 plus the 611 for the storage space?

MR. BUTLER: Yes.
MEMBER GRONACHAN: So now I have to -- can I strike that last amendment? Or that last motion?

MS. SAARELA: You can just amend it to add a separate variance.

MEMBER SANGHVI: Just including the attic space.

MEMBER GRONACHAN: So to amend my motion to include the 611 square foot of attic space in the request.

Is that all I have to ...
MS. SAARELA: A motion to approve the 635
foot variance plus the 611 foot variance.
MEMBER GRONACHAN: Motion to approve a 635
square foot variance with the addition of the 611
square feet for the attic storage.
MEMBER SANGHVI: Right.
CHAIRPERSON KRIEGER: Is there a second?
MEMBER SANGHVI: Second.
CHAIRPERSON KRIEGER: Accept the amendment.
So we have a motion with an amendment
including our square footage of the attic storage space.

And is there any other discussion regarding this case?

Okay. Very good.
Then, Katherine, if you can call the role.
MS. OPPERMAN: Member Byrwa?
MEMBER BYRWA: Yes.
MS. OPPERMAN: Member Gronachan?
MEMBER GRONACHAN: Yes.
MS. OPPERMAN: Member Krieger?
CHAIRPERSON KRIEGER: Yes.
MS. OPPERMAN: Member Peddiboyina?
MEMBER PEDDIBOYINA: Yes.
MS. OPPERMAN: And Member Sanghvi?
MEMBER SANGHVI: Yes.

MS. OPPERMAN: Motion passes.
MEMBER BYRWA: Good luck.

MR. PERNIA: Thanks, guys. I'm sorry for the confusion.

MEMBER GRONACHAN: You're fine. It was more me than anybody.

Have a good Thanksgiving.

MR. PERNIA: Happy Thanksgiving.
CHAIRPERSON KRIEGER: We can go on to our second case which is PZ18-0047 for Coy Construction for 44682 Dunbarton Drive, the applicant is requesting a variance from the City of Novi ordinance, Section 3.1.5 to allow a 10 foot rear yard variance to a proposed 25 foot setback for a proposed screened in porch; 35 feet minimum required by ordinance. The property is zoned single family residential.

If the ...
CHAIRPERSON KRIEGER: Is the petitioner here?
(No response.)
CHAIRPERSON KRIEGER: Petitioner? For
Dunbarton?
(No response.)
CHAIRPERSON KRIEGER: Not here. We'll put you to the end of the case, then. Or the meeting.

So we'll go to the next one: PZ18-0050 for Jack Shiklanian/Gabriana Jewelers on 31196 Beck Road. The applicant is requesting Novi Code of Ordinance Section 28-5(b) and (1) for the installation of a 33.8 square foot wall sign, 27.5 feet allowed. The property is zoned general business, B-3.

Good evening. And if you could state your name and spell it for our court recorder.

MR. SHIKLANIAN: Sure. Jack Shiklanian.
Last name $\mathrm{S}-\mathrm{h}-\mathrm{i}-\mathrm{k}-1-\mathrm{a}-\mathrm{n}-\mathrm{i}-\mathrm{a}-\mathrm{n}$.
Are you an attorney?
MR. SHIKLANIAN: No.
CHAIRPERSON KRIEGER: Okay. We'll have you sworn in.

MEMBER BYRWA: Yeah. Do you swear to tell the truth, the whole truth?

MR. SHIKLANIAN: I do.
MEMBER BYRWA: Thank you.
CHAIRPERSON KRIEGER: Very good.
MR. SHIKLANIAN: So we have opened -actually, built a sign for our jewelry store that we just opened. And we had the sign sketched out and followed the coordinates of the City, which is 27.5.

Actually, I'll put this.
The sign that was originally designed was the top one, but we had to modify it to make the -- to fit the 27.5 feet that was allowed by the City.

We are just a little bit over 33.8. Which is, right there.

CHAIRPERSON KRIEGER: Is that your mockup sign or is that the sign?

MR. SHIKLANIAN: Well, this is a picture, but it's the actual sign for the business.

CHAIRPERSON KRIEGER: Okay. And this is your presentation? That's it?

MR. SHIKLANIAN: Yeah.
CHAIRPERSON SANGHVI: Is there anyone in the public, then, that has any comment regarding this case?

Seeing none, I'll open it up to the City.
Mr. Butler?
MR. BUTLER: Just to make sure. The sign was
inadvertently put up without a permit. We went to them and we talked to them about it and that's why they're here before the ZBA because it was in the petition, but it was there so we said they need to bring it before the board, 27.5 square foot sign is allowed by right. The sign is legal but it was just put up before he got the variance.

CHAIRPERSON KRIEGER: Thank you. And is there correspondence?

MEMBER BYRWA: Yes. There was 21 letters mailed and zero approvals, zero objections.

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

Yes, Member Gronachan?
MEMBER GRONACHAN: I guess it's safe to say that a diamond wasn't your best friend in this case? MR. SHIKLANIAN: No. No, it wasn't. MEMBER GRONACHAN: Probably not? Nobody said that to you yet? MR. SHIKLANIAN: No. You're the first. MEMBER GRONACHAN: Well, you know, I am an original. Leave it to a girl to pick that out.

I think that it is unfortunate when people
make these signs. And the sign company should know better, especially for the City of Novi, but I don't think the petitioner should be punished for that. I think that this is a minimal request. I don't think that this is outlandish.

You are a jeweler. You're showing your wears, and I have no problem with this. I think that this is minimal. And it's not something that I would recommend that everybody go and do because we may not be as wonderful. But given that the difference in what is allowed and what you have done here with your explanation, $I$ would be in full support.

MR. SHIKLANIAN: Thank you.
CHAIRPERSON KRIEGER: Yes, Member Sanghvi? MEMBER SANGHVI: Yeah. I came and saw your sign there.

MR. SHIKLANIAN: Okay.
MEMBER SANGHVI: I think your diamond is the problem.

MEMBER SHIKLANIAN: Yes.
MEMBER SANGHVI: If you cut out the diamond, you would make it. So you need the 6.3 variance because of the diamond.

I drove by and I guess since it is the sign, it is difficult to catch up except for jewelers, so I guess that would draw you in as well. But I also -it's smaller that the signs in the neighboring areas --

MR. SHIKLANIAN: Yes, it is.
CHAIRPERSON KRIEGER: So I have no objection for it either.

MR. SHIKLANIAN: Thank you. Appreciate that.
MEMBER GRONACHAN: Are you making a motion?
MEMBER BYRWA: No.
CHAIRPERSON KRIEGER: Yes, you are.
MEMBER GRONACHAN: You're not.

CHAIRPERSON KRIEGER: Yes, you are.
MEMBER GRONACHAN: Okay. I'll do it.
That's me, I guess. I move that we grant the variance in case number PZ18-0050 for Jack Shiklanian, Gabriana Jewelers at 31196 Beck Road, east of Beck and southwest of Pontiac Trail for the 33.8 square foot wall sign, 27.5 feet is allowed.

MEMBER SANGHVI: A 6.3 variance.
MEMBER GRONACHAN: 6.3 variance. Thank you. Without the variance the petitioner would be unreasonably prevented or limited with respect to the use of the property. This is an unforeseen circumstance being that the sign was created with some additional design, which created this problem.

The property is unique given the lay of this particular shopping center and visibility is a challenge, so the additional size of the sign will help.

The petitioner did not create this condition because I feel that the sign company should have better advised him.

The relief granted will not unreasonably interfere with adjacent or surrounding properties because as stated in the presentation at this table, the other signs around the area is consistent with what is already being displayed at other businesses. And the relief is consistent with the spirit and intent of the ordinance because it gives total visibility for the petitioner; therefore, $I$ move that we grant this variance.


Luzod Reporting Service, Inc.
boyfriend is in town.
CHAIRPERSON KRIEGER: Send him there.
Yeah, really. Maybe I should give him the address.

CHAIRPERSON KRIEGER: So the next is PZ18-0052 for Brian Adams slash Adams Sports Medicine for 46001 Grand River Avenue. The applicant is requesting a variance from City of Novi code of Ordinance, section 28-5(a) for one additional proposed 10 square foot wall sign. One 65 square foot max wall sign allowed by right and has been installed. The property is zoned light industrial, I-1.

Good evening.
MR. ADAMS: Thanks for having me. Brian Adams, $B-r-i-a-n, A-d-a-m-s$, and $I$ am not a lawyer.

CHAIRPERSON KRIEGER: Okay. Very good.
Swear him in.
MEMBER BYRWA: Yes. Do you swear to tell the truth and the whole truth?

MR. ADAMS: I do.
CHAIRPERSON KRIEGER: Okay. Very good.
MR. ADAMS: Thanks for having me. I basically have a sign variance more for a wayward type
sign for our physical therapy clinic that is located on Grand River Avenue. I believe you guys have a picture similar to this in the packet. If not, it's basically the layout of our property.

I'm going to flip this around.
Grand River Avenue is right to the north side to be faced north with our building right here.

The signage that we do have currently is facing north to Grand River, but when people enter into our parking lot and they park on the west side of the building, all they see is the siding of the building. So there is another business behind us that is a CrossFit gym and they have a small sign on their window and their door, but when people approach our business they have no other way of knowing where our entrance is. So we've had experiences in diminished patient and client experiences that they complained they went to the wrong door. The door was locked because that business was not open and they left or they did not realize that the entrance was on the north side.

I do have a picture. I think it was in the packet there. But a picture of our -- I don't know if this will show up or not.

This is the side of our building, when you're in from the parking lot.

So that door wall that is right here, the garage door, and then that's the entrance into CrossFit, that is the side of our building as you see it from the parking lot.

When you see it from Grand River, which is, obviously, a high traffic zone, that's the sign that you see for our location. And that is our front entrance. There is a paved walkway, obviously, to it.

But when we look at it from the side and everybody is parking either here or down farther, they don't really know where to go. We've been here for about six years. We had talked to the building owners. They had proposed putting a wayward sign, which is what we ended up fabricating, but then we were told by the City that we could not erect that sign until $I$ come before you guys.

The actual sign looks like that. It does not advertise our business. It just says "Physical Therapy." It gives a directional wayward sign as to where people can come in with the chevrons pointing towards the front door.

It's keeping with the kind of light industrial approach or the look to the building with the aluminum siding. And we feel that it is professionally done and looks clean.

So that's all I have for you guys.
CHAIRPERSON KRIEGER: Thank you very much.
Is there anybody in the public that have any questions or comments regarding the case?

Seeing none, Mr. Butler, from the City?
MR. BUTLER: It was noted that the building
is somewhat elongated. There is approximately 28
spaces behind the back of that building. If you park down there, you would have difficulties trying to final the location of that business.

CHAIRPERSON KRIEGER: Thank you. And correspondence?

MEMBER BYRWA: Correspondence, the City mailed 24 letters. There were on approval and zero objections.

CHAIRPERSON KRIEGER: Could you read the approval?

MEMBER BYRWA: It says, "There are 48 spaces, 48 parking spaces, two handicapped, for the Wellness

Center that has no handicapped parking and sports, looks like, medicine, physical therapy center. No refuse dumpsters. Only one shorter than other businesses total --"

I guess there's multiple businesses there and one project into the wetlands. The debris and wetlands.

There seem to be some complaints about the dumpster issue, but other than that it was an approval.

CHAIRPERSON KRIEGER: Very good.
MR. ADAMS: Can I ask a question? Since I'm new to this. When the City sends out letters and there's approval letters, is it petitioning local businesses adjacent to ours? I don't understand.

MEMBER BYRWA: What they do is they state what the deviation from the ordinance is and if they have concerns either for or against, they can write back and they're notified of when the hearing date is if they also want to come to the public hearing tonight.

MR. ADAMS: Okay. Thank you for explaining that.

CHAIRPERSON KRIEGER: Yeah. So if your
neighbor wanted to make something, the City would send information to you regarding that.

MS. SAARELA: It's everyone within 300 feet of your property.

MR. ADAMS: Okay. Thanks.
CHAIRPERSON KRIEGER: Thank you.
All right. So open it up to the board.
Member Sanghvi?
MEMBER SANGHVI: Yeah. I came and saw your place. You cannot find it unless you are standing in front of your building. So I have no problem supporting it. It's a very strange mini-strip mall and it's a very unusual design of the place, but it's not your fault. Anyway, you need that sign, I understand, to identify your business.

Thank you.
MR. ADAMS: Thank you.
MEMBER GRONACHAN: Do you want to make a motion?

MEMBER SANGHVI: If you want to make a motion.

MEMBER GRONACHAN: I want you to make a motion.

MEMBER SANGHVI: Okay.
MEMBER PEDDIBOYINA: I can do it.

MEMBER GRONACHAN: Oh, wait. Joe wants to make a motion.

MEMBER SANGHVI: Okay. I move that we grant the variance in case number 18-0052 for Brian Adams/Adams Sports Medicine business 46 -- located at 46001 Grand River Avenue, Novi, Michigan, parcel number 50-22-16-451-054.

The applicant has requested a variance from the City of Novi, Code of Ordinance Section 28-5 parenthesis A, for one additional proposed 10 square foot wall sign. And one 65 square foot maximum wall sign allowed by right and has been installed. This property is zoned light industrial.

Without the variance, the petitioner will be unreasonably prevented and limited with respect to the use of his business because there is no business identification easily found without the sign that they have requested.

The property is also unique because it is located in such a way and designed in such a way that this business cannot be visible without this additional
sign.
The petitioner did not create the condition. This is not a self-created condition and the relief granted will not unreasonably interfere with adjacent or surrounding properties.

And really, this relief is consistent with the spirit and intent of the ordinance.

Thank you.
MEMBER GRONACHAN: Second.

CHAIRPERSON KRIEGER: We have a motion and a second.

Katherine, could you call the role?
MS. OPPERMAN: Member Byrwa?
MEMBER BYRWA: Yes.
MS. OPPERMAN: Member Gronachan?
MEMBER GRONACHAN: Yes.

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

MS. OPPERMAN: Member Peddiboyina?
MEMBER PEDDIBOYINA: Yes.
MS. OPPERMAN: And Member Sanghvi?
MEMBER SANGHVI: Yes.
MS. OPPERMAN: Motion passes.

CHAIRPERSON KRIEGER: Congratulations.
MR. ADAMS: Thank you to the board. Happy Thanksgiving.

CHAIRPERSON KRIEGER: You too.
MEMBER GRONACHAN: Same to you.
MEMBER PEDDIBOYINA: Thank you.
CHAIRPERSON KRIEGER: We'll go to our next case, PZ18-0054, David Dismondy for 1181 West Lake Drive. The applicant is requesting a variance from the City of Novi Ordinance, Section 3.1 .5 for a proposed 20 foot, 10 inch side yard aggregate setback, 25 feet required; six feet side yard setback, 10 feet required; 24 feet, seven inches rear yard setback, 35 feet required and a lot coverage of 31 percent, 25 percent maximum allowed.

Section 19.2 parenthesis $A$, also section 4.19 for the construction of a proposed 686 square foot addition on existing legal nonconforming garage located in the front setback for a total of 1536 square feet, 850 allowed. Section 7.10 to allow two years to start project. One year allowed. An existing home is being demolished and the parcels combined to accommodate the addition. The property is zoned single family
residential, R-4.
Welcome back.
MR. DISMONDY: Thank you. David Dismondy, D-i-s-m-o-n-d-y.

CHAIRPERSON KRIEGER: Are you an attorney? MR. DISMONDY: No. CHAIRPERSON KRIEGER: Okay. If he can be sworn in.

MEMBER BYRWA: Yes. Could you raise your right hand.

Do you swear to tell the truth, the whole truth?

MR. DISMONDY: I do.
MEMBER BYRWA: Thank you.
MR. DISMONDY: So you may recall I was here
last year. And currently own these two properties. It's on the west shore of Walled Lake. So the lots are really small. And it's on a peninsula. As you can see there's water on each sides. So this is an easement, a driveway, that is necessary so the neighbor can ingress and egress off this peninsula right here.

So I'm sitting this side by side so you can see. You know, that was a lengthy description of what

I'm requesting, but if you look at the overhead, after a quick conversation, you'll understand it's not that big of an ask, in my opinion.

We were here last year. I built this house in 2009, I believe. It's well done. We have enough bedrooms for the children, but since I moved there, I've had -- or since I built the house I had two more children. So the main floor on the house is only 25 feet wide. So last fall $I$ was in here asking a variance for some space to add a dining room. And it would have been between the homes. And I got the zoning approval from the Board. But what happened during the building plan review is -- the plans were approved, but because it was so close to the cottage next door, they didn't -- you couldn't have windows for fire reasons.

So, you know, we took a step back and I met with Charles and Chris and Larry. So the idea is -you know, it's not ideal economically, but it really does feel like you got two little nonconforming lots. And we're making it more conforming, even though it's still nonconforming, by combining the two.

So the idea is, as you can see -- and you
have to look at both here. We're going to combine -the addition on the house is going to end up combining the two homes. So the best way to do it is to demolish this one and then add-on. And it's the same footprint, essentially, but filling in the space in between. And then we're taking off this porch. So we're actually coming away from the water further on that side.

So that's what all you're seeing right here. So when you -- the same side setbacks are there that are currently there. We're not going any closer to the neighbor to the south.

And because of this unique situation when we're combining lots, I have to come back and ask for certain variances that we already have. And that would be the side lot right here, which is right here.

And then when you combine it with the 15 or so feet on this side, which is right here, that's one of the variances. The other variance is the distance from the water to the home. What you're seeing actually is more of a distance away from the water than what currently is because we're removing this area of the house.

> So that's one of the variances.

Lot coverage, of course, because it's -- it has to be. The lots are tiny, as you can see. I can't come this way because I can't encroach on the easement. So that's why I'm going there.

Another request in there -- and this is a little confusing. It comes back to the square footage and how We're calculating the square footage of the garage. I don't want you to think I'm building some enormous garage. Because the existing garage right here, as you can see, it's a one car stall. Right here.

You know, one car garage. And then on this side it's open so you can kind of get -- it's just so crowded back here you don't want a bunch of buildings. So this was the only way to be able to see across and get some air and sunlight back there. So it's a one car garage with a carport and there's storage above it. So part of what we're doing when we do this addition, there's an old crooked garage here, as you see. And we're going to remove it and we're just going to add -instead of it being a two and a half car garage that is currently there, a one car garage and we're just trying to figure out a way to attach it to the existing garage
without tearing up the existing garage too much. So that's the variance you're seeing.

And because there's storage above it, we're counting that storage in the square footage which is making it sound like it's a very large garage. But really this is a 24 by 24 footprint and we're adding a 12 by 24 footprint with a little, like, connector in between.

So I'm not sure if -- make sure I'm not forgetting anything in the explanation.

But, you know, we worked through it with a couple of architects, the building department, the assessing department. Because this is the first step. We get zoning approval. We get building permit approval and then that's when you would go to the assessing and saying we have to combine the lots now. Because if you do it out of sequence, you kind of mess yourself up.

So we do feel that we're actually making the lots more conforming. And you would think -- since all these houses are so crowded back here, I made sure every neighbor -- that's included in the package. But every neighbor wrote a letter for us and approved it.

So all these people that are tightly packed in back there approved what of we're trying to accomplish here as well.

CHAIRPERSON KRIEGER: Okay. All done?
MR. DISMONDY: Yes.
CHAIRPERSON KRIEGER: Okay. That was very good. Thank you.

Anybody in the audience wish to have a comment regarding this case? Seeing none.

Mr. Butler?
MR. BUTLER: Basically, he's proposing a structure that exceeds the coverage for the two nonexisting lots, but he's trying to combine them for an overall improvement. And we supported it.

CHAIRPERSON KRIEGER: Thank you.
And correspondence?
MEMBER BYRWA: Correspondence, there was 11 letters mailed, two approvals and zero objections.

CHAIRPERSON KRIEGER: Very good.
So open up to the board.
Yes, Member Sanghvi?
MEMBER SANGHVI: Thank you. I ran into this gentleman when $I$ went to visit the place. And when I
went there, $I$ realized $I$ have met him a few times in the past. And he has been step-by-step improving his property and making a very good job. You had a great presentation and I think you have a great lot for improvement of your house and combining the two lots together and putting the buildings together, too. I really like your idea and it's nothing but plus, plus for everybody around there. So I have no problem supporting your variance request. Thank you.

MR. DISMONDY: Thank you.
CHAIRPERSON KRIEGER: I also -- you did an excellent presentation for reading all the requests and then to put it together with how you explained it made it very clear. And I agree with Member Sanghvi. I drove by there and it looks very nice. So to be able to combine it nonconforming on a peninsula, it's quite an accomplishment.

MR. DISMONDY: Thank you. CHAIRPERSON KRIEGER: Any motions?

Questions?
MEMBER GRONACHAN: The only thing I would say that in looking at the past cases because this is not your first or second time in front of this board. You
have quite a commitment to this piece of property and I have to commend you for that. Because most people would have thrown their hands up and tried to find something else. So thank you for your commitment to the City and in being a long-time resident. And in reading the history, I'm overwhelmed with what you had to do to make this fit, and I am in full support. MR. DISMONDY: Thank you very much. I always said it's not a problem, it's just a challenge.

MEMBER GRONACHAN: That's exactly right.
Well, you accomplished that.
MEMBER PEDDIBOYINA: Yeah. I have no objection. You have given a good presentation and are sure of what you want and I have full support. CHAIRPERSON KRIEGER: Is that a motion? MEMBER PEDDIBOYINA: No. MEMBER GRONACHAN: Yes. CHAIRPERSON KRIEGER: Your turn. I can't make the motion. Otherwise, I would do it.

MEMBER GRONACHAN: Anybody? MEMBER BYRWA: I didn't bring my glasses. CHAIRPERSON KRIEGER: You can borrow my
cheaters.
MEMBER SANGHVI: I'll give you the list.
MEMBER GRONACHAN: I have it right here.
I guess that means me.
MEMBER SANGHVI: Go through the variance.
Yeah.

MEMBER GRONACHAN: Okay. I move that we grant the variance in case number PZ18-0054, David Dismondy at 1181 West Lake Drive in Novi.

For a rear yard setback request of 11 feet, three inches. For a minimum side yard variance request of four feet. For a variance request for the aggregate side yard setback of 5.5 feet, eight inches, and for a variance request of a total lot coverage of six percent totaling 31 percent.

Without the variance, the petitioner would be unreasonably prevented or limited with respect to the use of this property because of his long-time commitment on this property -- because of his long-time commitment and use of this property and to keep it, so to speak, in the family.

The property is unique because of the lot size, shape and conformity. The petitioner has not
created this condition because of the lot size -- the two lot sizes and the confirmation.

The relief granted will not unreasonably interfere with adjacent or surrounding properties because of the improvement by combining these two addresses and making one residence. Also, by securing confirmation from all the neighbors surrounding him.

The relief is consistent with the spirit and intent of the ordinance because it actually improves the area, improving property values in the neighborhood and creating a more conforming property as well.

And, therefore, I move that we grant the variance in this case.

MEMBER SANGHVI: Second.
MEMBER BYRWA: Support.
CHAIRPERSON KRIEGER: Okay. We have a motion and support.

Any other discussion?
Seeing none, if Katherine could call the roll.

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

MEMBER PEDDIBOYINA: Yes.
MS. OPPERMAN: Chairperson Krieger?
CHAIRPERSON KRIEGER: Yes.
MS. OPPERMAN: Member Gronachan?
MEMBER GRONACHAN: Yes.
MS. OPPERMAN: And Member Byrwa?
MEMBER BYRWA: Yes.
MS. OPPERMAN: Motion passes.
CHAIRPERSON KRIEGER: Congratulations.
MR. DISMONDY: Thank you.
MEMBER GRONACHAN: Good luck.
MEMBER SANGHVI: Hopefully we won't see you again.

MR. DISMONDY: Hopefully that's it, guys, for us.

MEMBER GRONACHAN: Let's make it a couple of years.

MR. DISMONDY: Have a great holiday.
MEMBER GRONACHAN: You too. Thank you.
MR. DISMONDY: Thank you.
CHAIRPERSON KRIEGER: Our next case is PZ18-0055, Chris Ketzler/Toll Brothers for 20857

Dunhill Drive. The applicant is requesting a two
percent variance from the City of Novi Zoning Ordinance Section 3.1.2 to allow the 27 percent proposed lot coverage for a new home, 25 percent is allowed. Property is zoned single family residential, R-1. MR. KETZLER Chris Ketzler, K-e-t as in Tom, Z as in Zebra, L-e-r, Toll Brothers. CHAIRPERSON KRIEGER: Are you an attorney? MR. KETZLER I am not an attorney. CHAIRPERSON KRIEGER: If he can be sworn in, Member Byrwa?

MEMBER BYRWA: Do you swear to tell the truth, the whole truth? MR. KETZLER Yes, sir, I do. MEMBER BYRWA: Thank you. MR. KETZLER Dunhill Park is a community in which Toll Brothers, we purchased 19 lots. We grand opened this summer. And at grand opening we came out of the gate with a flurry of sales. We currently have seven homes sold in a short amount of time at Dunhill Park. Unfortunately, there was an ordinance that we looked over or missed during what we call our lot fit study and that is the percent coverage of the lot area per parcel. We are within the setback lines but we
have a small overage of two percent of the 25 percent allowed.

We are currently at 27 percent and this was pointed out to us when we submitted for a building permit in the community.

The variance of the square footage is consistent with the other homes in the community. Architecture is very similar. The things that we've put in place to prevent this from happening in the future is a closer study of each home that we sell in the community through our inhouse engineers.

The area is roughly -- that we are requesting is 300 square feet on a 14,783 square foot lot.

CHAIRPERSON KRIEGER: That's it?
MR. KETZLER That's it.
CHAIRPERSON KRIEGER: Any other comment from the public?

Seeing none.
Mr. Butler, from the City?
MR. BUTLER: No comments.

CHAIRPERSON KRIEGER: Okay. And correspondence?

MEMBER BYRWA: Correspondence, the City
mailed out 22 letters. There was one letter returned and one objection.

CHAIRPERSON KRIEGER: Could you read that, please?

MEMBER BYRWA: The objection was: "The proposed lot coverage increase will result in one or more reduced setback easements distance from neighbors' structures, street and property lines. It also sets a precedence for other future similar variance requests."

And the name was Tom Rancour, $R-a-n-c-o-u-r$.
CHAIRPERSON KRIEGER: Is that in that subdivision?

MEMBER BYRWA: It's at 20940 Dunhill Drive, Northville, Michigan.

CHAIRPERSON KRIEGER: All right. And I'll open it up to the board.

Member Sanghvi?
MEMBER SANGHVI: Yeah. I came around and drive around there to look at the thing.

MR. KETZLER: Yes.
MEMBER SANGHVI: And I wasn't sure how big the house is going to be. But you are building on this lot.

MEMBER SANGHVI: For a minimum of new construction, I always have a problem deciding what is your hardship. Why can't you get it within the confines of the property without requiring any variance?

MR. KETZLER: The customer picked the lot out. It was a painstaking process. The lot is a little bit differently shaped.

MEMBER SANGHVI: It's your lot?
MR. KETZLER: Pardon me?
MEMBER SANGHVI: You're the owner of the lot?
MR. KETZLER: I am the owner of the lot.
Toll Brothers is the owner of the lot.

MEMBER SANGHVI: Okay.
MR. KETZLER: And we sold this to one of our customers. Went in for a permit and we noticed we were slightly over the square footage -- or coverage of the lot.

MEMBER SANGHVI: Okay. Very good. Thank
you.
CHAIRPERSON KRIEGER: Yes.
MEMBER GRONACHAN: So in the packet, it talks about the Hennely ( $s p$ ). Is this one of the models?

MR. KETZLER: That's one of the models.
MEMBER GRONACHAN: So how many houses are not going to be conforming throughout this subdivision?

MR. KETZLER: There will not be any others that will not conform. We put a process in place. We thought we had a process in place to name out the setback requirements. You see the home does sit in the setback requirements; however, the percent of the lot was where we missed a little bit.

MR. KETZLER: So help me out and let me understand where that 300 square feet is that is causing this problem.

MR. KETZLER: Essentially -- I guess it would be hard to break it down in totality. The customer requested a larger garage to accommodate their home. We were able to extend the garage a little bit. It is a three-car garage but with the home that size we found that people do need larger garages. So as a result the square footage did change.

As far as the use of the home, it was -- our customer -- our customer chose the lot. And they chose the lot because it faces in a particular direction. The lot is a little bit larger and the shape of the lot is a little bit odd shaped so that the building envelope will allow us to do different things. And they also chose the lot because there are mature trees on the property that is to the west or the back of the lot and an existing home that kind of cover the sunset. And they requested this lot, again, for the position and the way it faced. They were one of our first purchasers and they got their hearts set on the lot.

So other than the hardship of the customer. It would be difficult to say exactly where the 300 square feet would be.

MEMBER GRONACHAN: So if the garage was reduced, that would resolve the issue for the 300 square feet?

MR. KETZLER: I don't think that it would. MEMBER GRONACHAN: Okay. I have nothing else.

CHAIRPERSON KRIEGER: So the trees, does that effect the condition of the lot?

MR. KETZLER: No. It is in view of what the customer is looking for with the way they've positioned the lot or purchased the lot or the way it faces.

We've looked at other lots in the community and the -- they didn't quite work for what they wanted. They were one of our first customers to come through and purchase. They purchased the lot that they fell in love with.

CHAIRPERSON KRIEGER: Okay.
Member Byrwa? Member Peddiboyina?
MEMBER PEDDIBOYINA: No.
CHAIRPERSON KRIEGER: Questions?
Motion?
MEMBER PEDDIBOYINA: (Nods.)
MEMBER GRONACHAN: I have a question for the City attorney.

MS. SAARELA: Yes.
MEMBER GRONACHAN: I need some guidance.
MS. SAARELA: Okay.
MEMBER GRONACHAN: Generally, on new construction, I'm having a hard time with the hardship on this case. So, I mean, it doesn't matter what lot you want, it still has to be within the 25 percent.

And on new construction, I mean, just because this is what they want doesn't necessarily mean we need to grant it.

MS. SAARELA: Then you can move to deny the variance based on the fact that you believe the problem is self-created.

MEMBER GRONACHAN: Okay.
MEMBER PEDDIBOYINA: Can I have a question?
MEMBER GRONACHAN: Can I finish?
MEMBER PEDDIBOYINA: (Nods.)
MEMBER GRONACHAN: I have a thought.
My suggestion would be that we postpone this case and have the petitioner go back to the drawing board and see what else can be done before we just flatout deny it. That's what I usually like to do. Because You know me, I'm not a hard hearted Hanna and I usually get in trouble for that.

But I think that with the size of this house, something, perhaps, could be done or looked at and then come back and show this board exactly what the hardship is. Because, you know, at the end of the day, this board has to vote on based on what the rules are. And I'm having a hard time finding what the -- finding of
facts are at this point.
So I don't know how the other members of the board feel about that, but that would be my suggestion.

MEMBER SANGHVI: Can we find out from others what they're thinking about.

MEMBER PEDDIBOYINA: Can I go ahead?
MEMBER GRONACHAN: Through the chair, certainly.

CHAIRPERSON KRIEGER: Are you done?
MEMBER GRONACHAN: Yes.
CHAIRPERSON KRIEGER: Go ahead.
MEMBER PEDDIBOYINA: Thank you, Chair.
Is the customer asking for the variance?
You're saying the customer is asking the request, am I right?

MR. KETZLER: I am -- the customer themselves is not asking for the variance. Toll Brothers is asking for the variance.

MEMBER PEDDIBOYINA: Yeah, see I did not understand. It's the new one and I support my colleague what she said.

CHAIRPERSON KRIEGER: Let me clarify, Toll
Brothers is representing the client?

MR. KETZLER Yes. They're our customer.
They purchased the home from us.
CHAIRPERSON KRIEGER: Okay. So would the client be willing to review if we table? Because it looks like we wouldn't be able to support it.

MR. KETZLER: I would imagine the client would be able to review.

Yes, my fear is that they -- yes, I don't know why they wouldn't be able to review it.

What would they review? To make this a smaller house or less?

MEMBER GRONACHAN: Yes.
MR. KETZLER: Okay.
CHAIRPERSON KRIEGER: More consistent with the ordinance, yes.

MR. KETZLER: Okay. I can bring that back to the customer, absolutely.

CHAIRPERSON KRIEGER: All right. Do you need until December or January? What would you like?

MR. KETZLER The sooner that I can get in the better, would be great.

MS. OPPERMAN: December can't be done at this time because we would not have sufficient time for
legal advertisement.
CHAIRPERSON KRIEGER: So it would be January.
MEMBER GRONACHAN: So I need to make a motion?

MS. SAARELA: Motion to postpone it. CHAIRPERSON KRIEGER: Yes.

MEMBER GRONACHAN: So I move in case PZ18-0055 for Chris Ketzler to postpone this case until January. So we --

MS. SAARELA: January what? We need a date. CHAIRPERSON KRIEGER: When is the second Tuesday?

MEMBER GRONACHAN: January 8th, 2019.
MEMBER PEDDIBOYINA: January 8.
MEMBER GRONACHAN: Right.
MR. KETZLER: Can I bring another participant up? Or, No.

MEMBER GRONACHAN: Okay. Can I make this motion?

I move that we in -- that we postpone this case until January 8th of 2019 for the petitioner along with the purchaser of this home to return with additional information on the case and perhaps review
to see if there is another option for building on this lot without exceeding the lot coverage.

MEMBER SANGHVI: Second.

CHAIRPERSON KRIEGER: I have a motion and a second. Any other discussion?

MEMBER BYRWA: Support.

MEMBER PEDDIBOYINA: I support.

CHAIRPERSON KRIEGER: What? Do you have a question?

MR. KETZLER Yes. The customer does not own the lot themselves. I mean, we still own the lot. So I don't know that the customer would come in and plead their case, other than they love the home and this is the lot that they chose. There's a small discrepancy that we overlooked.

MEMBER GRONACHAN: Do I have to amend?

MS. SAARELA: Well, you just postponed it.

MEMBER GRONACHAN: Right. So it doesn't matter. So whoever is going to come.

MS. SAARELA: Whoever the owner is.

MEMBER BYRWA: Well, that would give you, I guess, more time to think about what -- some cold, hard facts are on a practical difficulty on why you can't
comply with the 25 percent.
CHAIRPERSON KRIEGER: Right. How you can put
it into the requirements.
MR. KETZLER: Okay.
CHAIRPERSON KRIEGER: So we have a motion and
a second for postponement, if Katherine can call the role.

MS. OPPERMAN: Member Byrwa?
MEMBER BYRWA: Yes.
MS. OPPERMAN: Member Gronachan?
MEMBER GRONACHAN: Yes.
MS. OPPERMAN: Chairperson Krieger?
CHAIRPERSON KRIEGER: Yes.
MS. OPPERMAN: Member Peddiboyina?
MEMBER PEDDIBOYINA: Yes.
MS. OPPERMAN: And Member Sanghvi?
MEMBER SANGHVI: Yes.
MS. OPPERMAN: Motion passes.
MEMBER GRONACHAN: All right. We'll see you
in January.
CHAIRPERSON KRIEGER: We'll see you.
MR. KETZLER: Thank you.
CHAIRPERSON KRIEGER: Okay. The Dunbarton
case, PZ18-0047, Coy Construction, 44682 Dunbarton Drive.

The petitioner doesn't seem to have returned so we can postpone for them until January.

MS. OPPERMAN: (Nods.)
MEMBER GRONACHAN: Did we hear from the petitioner?

MEMBER GRONACHAN: Did we hear from the petitioner.

MS. OPPERMAN: No.
CHAIRPERSON KRIEGER: So I need a motion to postpone? Can they have it in December or January?

MS. OPPERMAN: January.
MEMBER GRONACHAN: There's no cases in December.

MS. OPPERMAN: Because this was a third week meeting because of the election, there is not sufficient time to do legal delivery for December.

CHAIRPERSON KRIEGER: All right. So for January, a motion to ...

MEMBER GRONACHAN: So in Case Number PZ18-0047 for Coy Construction at 44682 Dunbarton, I move that this case be tabled until January 8th of 2019
since the petitioner did not appear this evening. MEMBER PEDDIBOYINA: I second. CHAIRPERSON KRIEGER: Motion is seconded. Katherine, call the role.

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

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

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

MS. OPPERMAN: Member Byrwa.
MEMBER BYRWA: Yes.
MS. OPPERMAN: And Chairperson Krieger?
CHAIRPERSON KRIEGER: Yes.
MS. OPPERMAN: Motion passes.
CHAIRPERSON KRIEGER: That comes to the end of our meeting. So are there any other matters?

MEMBER GRONACHAN: I have one.
CHAIRPERSON KRIEGER: Yes?

MEMBER GRONACHAN: I would just like to wish
the Board and all of the members that we work with all year long a Happy Thanksgiving. CHAIRPERSON KRIEGER: I agree.

MEMBER GRONACHAN: And awesome 2019. CHAIRPERSON KRIEGER: No meeting in December so we'll see you next year. Happy New Year. Motion to adjourn then. MEMBER GRONACHAN: Second. CHAIRPERSON KRIEGER: Meeting adjourned. (At 8:18 p.m., meeting adjourned.)

STATE OF MICHIGAN)

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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 seventy-four (74) typewritten pages, is a true and correct transcript of my said stenographic notes.

/s/ Darlene K. May<br>Darlene K. May, RPR/CSR-6479<br>December 21, 2018<br>(Date)

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