## Meeting

 05/14/2024```
REGULAR MEETING - ZONING BOARD OF APPEALS
            OF-APPEALS
                    CITY OF NOVI
                TUESDAY, MAY 14, 2024
            Council Chambers/Novi Civic Center
                                    4 1 7 2 5 \text { Novi Road}
                                    Novi, Michigan
BOARD MEMBERS:
    Joe Peddiboyina, Chairperson
    Siddharth Mav Sanghvi, Member
    Linda Krieger, Member
    Jay McLeod, Member
    W. Clift Montague, Member
ABSENT EXCUSED:
    Member Thompson
    Member Longo
ALSO PRESENT:
    Alan Hall (Community Development Deputy
    Director)
    Joellen Shortley (City Attorney)
    Sarah Fletcher (Recording Secretary)
REPORTED BY:
    Melinda R. Womack
    Certified Shorthand Reporter
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3 Call to Order
4 Pledge of Allegiance
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AGENDA

CHAIRPERSON: Good evening. Call to order.
Pledge of Allegiance by Montague. Please, everybody stand up for the Pledge.
(Pledge of Allegiance recited)
CHAIRPERSON PEDDIBOYINA: Thank you.
Please be seated and mute your cell phones. And roll call, please.

MS. FLETCHER: Chairperson Peddiboyina? CHAIRPERSON PEDDIBOYINA: Yes, please. MS. FLETCHER: Member Sanghvi? MEMBER SANGHVI: Here. MS. FLETCHER: Member Thompson? Absent excused. Member Longo? Absent excused. Member Montague?

MEMBER MONTAGUE: Present.
MS. FLETCHER: Member Krieger?
MEMBER KRIEGER: Here.
MS. FLETCHER: Member McLeod?
MEMBER McLEOD: Here.
MS. FLETCHER: Thank you.
CHAIRPERSON PEDDIBOYINA: Thank you.
And we have a quorum. And public hearing and format and rules of conduct. And I welcome you all. City of Novi Zoning Board of Appeals. Today is May 14, 7 p.m. When $I$ call for the case,
anybody who is presenting the case, please come to the podium. Please tell your first and last name clearly for our secretary for the record. And if you have anything, you can present anything on the screen you can present. And there's a screen so we can watch it. And also the audience, we have only three minutes limit time. We have today seven cases. Please help us. And thank you. And minutes of April 2024, any changes? Any modifications? Somebody can make a motion on that, please?

MEMBER KRIEGER: I move to accept the minutes of April 2024.

CHAIRPERSON PEDDIBOYINA: Somebody make a second, please.

MEMBER MONTAGUE: Second.
CHAIRPERSON PEDDIBOYINA: Any changes?
Any nays? Say aye all in favor.
THE BOARD: Aye.
CHAIRPERSON PEDDIBOYINA: Thank you.
Any nays? Approved. And approval of the agenda, any changes? Any modifications? Any additions? Please, this is the time where you can approve the agenda.

MEMBER KRIEGER: I move to approve the

1 agenda for this evening.

CHAIRPERSON PEDDIBOYINA: Somebody can make a second, please.

MEMBER MONTAGUE: Second.
CHAIRPERSON PEDDIBOYINA: Thank you. And public remarks? Anybody would like to add any public remarks, this is the time to where you can come and talk to onto the podium and you can express your remarks. Looks like none. Thank you.

And public hearing, today we have seven cases. I'll go one by one. And please, talk very slowly and clearly for our record and it will be helpful for our secretary also. Thank you.

Today's first case: PZ24-0004 (El Car Wash) 48648 Grand River Avenue, on Grand River Avenue, east of Wixom Road, Parcel 50-22-17-126-006. The applicant is requesting a variance from City of Novi Zoning Ordinance Section 3.10.3.a to allow one overhead door to face a major thoroughfare (Grand River Avenue). This property is zoned General Business ( $\mathrm{B}-3$ ). Is the Applicant present, please? Please come to the podium. Thank you. And you can present your case, sir.

MR. LANDRY: Thank you, Mr. Chairman. My name is David Landry, and I represent the Applicant this evening, El Car Wash. We are seeking a variance from the zoning ordinance to allow one overhead door facing a major thoroughfare, Grand River. The reason is simply the physical conditions of the land. Looking at the criteria for granting such an ordinance, the first standard is physical condition. There are site constraints, the shape of the lot in particular. If $I$ can show this if this will show up on the screen.

CHAIRPERSON PEDDIBOYINA: Yes, please. MR. LANDRY: You can see that this lot, Grand River, is down here. 12 Mile is up here. It's a long, skinny lot. It's not self-created. We didn't create this. But it's really the third criteria that's strict compliance. Strict compliance would not allow this use. It's important to note it's a principal permitted use in B-3, okay? So we're not asking -- we didn't ask the Planning Commission for a special land use. It's a principal permitted use. Planning Commission approved preliminary site plan contingent on this body granting the one variance
we're asking for.
When it comes to a car wash, you have to have several consideration. You have to have space for stacking of the vehicles, so the car wash can only go in this space north to south. You have to have turning radii for fire vehicles to come in. We have to make sure we're not blocking any other adjacent. And so strict compliance just isn't possible for this principal permitted use. It's the minimum variance necessary. We're only asking for one. No adverse impact on surrounding properties. This is what it would look like coming from going west on Grand River. You wouldn't even see it coming out. Nobody showed up at the Planning Commission.

And I just went to add one other thing because I think it's kind of cool for this. This car wash has heated pavement. So in the winter sometimes around exits of car wash, cars come out and drip water. It freezes, and sometimes you have to worry about skidding into the road. This is all heated. So that's not going to happen at this car wash.

So I have a representative of the developer present if the Zoning Board of Appeals

1 has any questions. Other than that, we would ask for a consideration for the variance.

CHAIRPERSON PEDDIBOYINA: Okay. Thank you, Mr. Landry. I know you're an attorney. You don't have to give any oath. Anybody would like to speak on this case? Okay. Looks like none. From the City?

MR. HALL: Thank you, Mr. Chairman. Yes, it is a tight site and it is designed appropriately for the site. There are two major roads -- or two roads that it faces. So one is Grand River. That's the one you're asking for a variance on. The 12 Mile Road isn't considered a major road. It's a lesser road at that point. It's a major road away from the site, but not this particular site. So they're only asking for the one variance, which is appropriate. And the design is approved by the planning department. Thank you.

CHAIRPERSON PEDDIBOYINA: Okay. Thank
you, City. Correspondence secretary.
MEMBER KRIEGER: Twenty-three were mailed in this case, zero returned, no objections, no approvals.

CHAIRPERSON PEDDIBOYINA: Okay. So

1 open to the board. Dr. Sanghvi?

MEMBER SANGHVI: Thank you. I came and visited the site and looked around, and I don't think there is any other site where you can put this overhead door, and so I have no problem in supporting your application. Thank you. CHAIRPERSON PEDDIBOYINA: Thank you. Any other board member, please? Okay. Mr. Montague?

MEMBER MONTAGUE: Yes. I think it's a very good job of a site plan on a difficult site. It's long and skinny, and I definitely appreciate the landscaping that is provided with the site plan. Thank you.

CHAIRPERSON PEDDIBOYINA: Okay. Any other board members? Okay. Looks like none. And my comments as for our board members spoken already, and I know you're a good presenter, and I saw the presentation, it's very nice and I have no objection on this case. And somebody can make a motion on this case? Linda?

MEMBER KRIEGER: In case number PZ24-0004, El Car Wash on Grand River, I move to grant the request the Petitioner has for showing practical difficulty. Without the variance, the

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Petitioner will be unreasonably prevented or
limited with respect to the use of property
because of the shape of its lot, and the
topography and location. It is a principal
permitted use, so it will be acceptable. The
property is unique because of the location and
topography. The Petitioner did not create the
condition because it's -- the site is between two
roads, and one is a major road. The relief
granted will not unreasonably interfere with
adjacent or surrounding properties because it is
well situated creation and will have heated
pavement for exiting to minimize winter
conditions. And the relief will not unreasonably
interfere with adjacent or surrounding properties
because of this and is consistent and with the
spirit and intent of the ordinance because of
minimum request.
    CHAIRPERSON PEDDIBOYINA: Thank you.
Somebody can make a second, please.
    MEMBER SANGHVI: Second.
            CHAIRPERSON PEDDIBOYINA: Dr. Sanghvi.
Okay. Thank you. Roll call, please.
                                MS. FLETCHER: Chairperson Peddiboyina?
            CHAIRPERSON PEDDIBOYINA: Yes.
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MS. FLETCHER: Member Sanghvi?
MEMBER SANGHVI: Yes.
MS. FLETCHER: Member Montague?
MEMBER MONTAGUE: Yes.
MS. FLETCHER: Member Krieger?
MEMBER KRIEGER: Yes.
MS. FLETCHER: Member McLeod?
MEMBER McLEOD: Yes.
MS. FLETCHER: Thank you. Motion carries.

CHAIRPERSON PEDDIBOYINA:
Congratulations David Landry. Good luck.
MR. LANDRY: Thank you.
CHAIRPERSON PEDDIBOYINA: Case number
PZ24-0005 (Forever Pergola) 905 South Lake Drive, on South Lake Drive, east of Thirteen Mile Road, Parcel 50-22-03-451-014. The applicant is requesting a variance from the City of Novi Zoning Ordinance Section 3.32(7) for a rear yard setback of $12 \mathrm{ft} .(17 \mathrm{ft}$. Required, variance of 5 ft.$)$. This property is zoned One-Family Residential (R-4). Is Applicant present, please? First spell your first and last name clearly for our secretary. If you're not an attorney, you need give an oath by our secretary.

MR. BARRON-RATZ: My names Matthew
Barron-Ratz. Forever Pergola representing the Heath Family at this residence.

MEMBER KRIEGER: Are you an attorney?
MR. BARRON-RATZ: I am not an attorney.
MEMBER KRIEGER: Do you swear or affirm

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to tell the truth in this case?
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MR. BARRON-RATZ: Yes.
MEMBER KRIEGER: Thank you.
CHAIRPERSON PEDDIBOYINA: Matthew, you can proceed where we can help you tonight on this case, please.

MR. BARRON-RATZ: We are requesting a variance of five feet to build a pergola off their south-facing back patio. The pergola will extend 12 foot past their house, and the setback currently is 17 feet. I have a plan here. I'm not sure if this will work or not. So that's the rear-facing yard. South facing. They get a lot of sun back there and would like to enjoy their existing back patio, so we're proposing the pergola.

The site conditions would be too narrow of a lot to --

CHAIRPERSON PEDDIBOYINA: Matthew, and
you speak louder, please.
MR. BARRON-RATZ: Yep. It's too narrow of a lot to build an appropriately sized pergola to enjoy their back patio as it stands.

CHAIRPERSON PEDDIBOYINA: Okay.
Anything you'd like to add?
MR. BARRON-RATZ: I could show you a 3D design of it as well. It will match the existing siding. Won't create any obstructions to any other neighbors. It's pretty standard pergola. That would be it.

CHAIRPERSON PEDDIBOYINA: Thank you so much for your presentation, Matthew. Anyone in the audience would like to comment on this case, Please.

MS. HEATH: I'm the homeowner.
CHAIRPERSON PEDDIBOYINA: Yeah. Please come to the podium. Tell your first and last name clearly. Matthew can you please step away so she can present. Thank you.

MS. HEATH: My name is Elizabeth Heath. I reside at 905 South Lake Drive.

MEMBER KRIEGER: Are you an attorney?
MS. HEATH: No. I'm the resident.
MEMBER KRIEGER: Do you swear or affirm
to tell the truth in this case?
MS. HEATH: I do.
MEMBER KRIEGER: Thank you.
CHAIRPERSON PEDDIBOYINA: Please go
ahead.
MS. HEATH: I just wanted to give you a
little more insight onto the motivation for the pergola. Like he said, it is the south side of our house. We have a lot of direct sun, especially from west. We're interested in the pergola that he is providing because it's motorized and it has louvers on it where we can close it if it's raining and sit out there and still enjoy outdoor space. We have a grill back there and I could out there on the grill without, you know, worried is it raining or not. And we do have a hot tub out there and we could enjoy our hot tub too. So with this pergola, we just feel like it's an advantage to our home not only adding value, but for more functionality in the back. CHAIRPERSON PEDDIBOYINA: Okay. Thank you. Anybody would like to come? Thank you. Okay. From the city?

MR. HALL: Thank you, Mr. Chairman. I do have some questions.

CHAIRPERSON PEDDIBOYINA: Matthew, can you please stand up here please until this case is resolved? Thank you.

MR. HALL: So this metal shows that the structure is nine foot tall, which is not taller than the roof line, so that's good. What is the roof made of?

MR. BARRON-RATZ: The pergola roof?
MR. HALL: Yeah.
MR. BARRON-RATZ: It's all extruded aluminum.

MR. HALL: Okay. Is it flat or is it pitched, or how does that work?

MR. BARRON-RATZ: There will be a slight pitch according to the pre-engineered specifications.

MR. HALL: And is there a gutter, or the water? How does that work when it rains?

MR. BARRON-RATZ: Yes. There is a gutter system along the perimeter of the entire system.

MR. HALL: And does it go down the gutters to just a site? I mean how does that work with the drainage plan?

> MR. BARRON-RATZ: The gutter will be
inside the hollow post. And then I believe for this particular drainage plan, the patio will be elevated with an open aggregate build and the water will drain subsurface.

MR. HALL: Okay. All right. With that, I have no objection. Thank you, sir.

CHAIRPERSON PEDDIBOYINA:
Correspondence secretary, please.
MEMBER KRIEGER: For this case, 53 were mailed, five returned, zero objections, zero approvals.

CHAIRPERSON PEDDIBOYINA: Thank you. Okay. From the board any comment? Okay. Dr. Sanghvi?

MEMBER SANGHVI: Thank you. I came and visited your place on Saturday and looked around there. I think five foot variance in such a small lot you got there, and most of the lots around there are very small. So there is no other way you can put your pergola, whatever you call it, over there. I'm surprised that you want to put it in the back and not in the front. But that's your choice. And I have no problem. Thank you.

CHAIRPERSON PEDDIBOYINA: Thank you, Dr. Sanghvi. Any other board, please? Mr. Jay?

MEMBER McLEOD: Sorry. Just a quick question. I'm not sure I followed correctly. You mentioned -- or the owner mentioned that there was like a deck in the back. I think I heard that there's already like some building back there for barbecues and such. Is that correct?

MR. BARRON-RATZ: There's no -- there's an existing pad.

MR. McLEOD: Patio?
MR. BARRON-RATZ: Patio. Yep.
MR. McLEOD: Okay.
MR. BARRON-RATZ: Not an existing covering. I believe there may have been.

MS. HEATH: There's a brick paver patio in the back.

MR. McLEOD: And then the footprint of the pergola is -- they're the same size as the current brick?

MS. HEATH: Yes.
MEMBER McLEOD: Okay. Thank you.
CHAIRPERSON PEDDIBOYINA: Okay. Matthew, you mentioned that this color, is it the same color they're matching?

MR. BARRON-RATZ: It's a similar color. It's not an exact match, but within our color
spectrum it's the closest color to their house siding, yes.

CHAIRPERSON PEDDIBOYINA: Okay. I have no objections. Okay. Jay Montague, can you make a motion, please?

MEMBER MONTAGUE: Sure. I move that we grant the variance in Case No. PZ24-0005 sought by Forever pergola for a rear yard setback of 12 foot, which is a variance of 5 foot. The practical difficulty requiring is the combination for use of existing property where the house is already located and pretty far set back from the front yard. Without the variance they will be unreasonably prevented from use of this rear yard because it is a small lot and small back yard. The property is unique because of the orientation of the existing structure and the size of the lot and the location of that structure on the lot. Petitioner did not create the condition because the structure existed and the patio is in place. The relief granted will not unreasonably interfere because it's consistent with the neighborhood and it is the minimal required for adequate space to operate the patio. The relief is consistent with the spirit and intent of the ordinance because it

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allows the owner to utilize the property in a
pleasurable manor for outdoor activities.
    MEMBER SANGHVI: Second.
    CHAIRPERSON PEDDIBOYINA: Okay. Dr.
    Sanghvi second. Okay. Roll call, please.
    MS. FLETCHER: Chairperson Peddiboyina?
    CHAIRPERSON PEDDIBOYINA: Yes.
    MS. FLETCHER: Member Sanghvi?
    MEMBER SANGHVI: Yes.
    MS. FLETCHER: Member Montague?
    MEMBER MONTAGUE: Yes.
    MS. FLETCHER: Member Krieger?
    MEMBER KRIEGER: Yes.
    MS. FLETCHER: Member McCleod?
    MEMBER McLEOD: Yes.
    MS. FLETCHER: Thank you. Motion
    carries.
    CHAIRPERSON PEDDIBOYINA: Thank you,
    Matthew, congratulations.
    MS. HEATH: Thank you.
    CHAIRPERSON PEDDIBOYINA: Case no.
    PZ24-0009 (Luxor Estates) Beck Road, on Beck Road,
        on Beck Road, south of Nine Mile Road, Parcel
        50-22-33-100-005. The applicant is requesting a
        variance from City of Novi Zoning Ordinance
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Section 3.1 .6 for an increase in lot coverage to $46 \%$ for Lot $B$ and $28 \%$ for Lots $A \& C$ (25\% maximum, variance of $21 \%$ for Lot $B$ and $3 \%$ for Lots $A \& C)$. This property is zoned Low-Density Multiple-Family (RM-1). Go ahead, please. Spell your last and first name clearly for the secretary if you're not an attorney, you can proceed.

MR. CHIESA: Good evening, Mr. Chair. My name is Ron Chiesa. I'm the architect for the project. My address 43260, Suite 210, Clinton Township, Michigan. I'm here representing Luxor Estate this evening.

MEMBER KRIEGER: Are you an attorney? MR. CHIESA: No. MEMBER KRIEGER: Do you swear or affirm to tell the truth in this case? MR. CHIESA: I do. MEMBER KRIEGER: Thank you. CHAIRPERSON PEDDIBOYINA: Please proceed where we can help you in his case. MR. CHIESA: Thank you. So I'm here representing Luxor Estates. We have a very small, narrow piece of property on Beck Road that's only 1.5 acres wide. So the size of the property is obviously one of the reasons why it's currently

1 vacant. Very difficult to develop a piece that's only 200 feet of frontage. We worked with the community extensively regarding how the project is designed. We actually had the entry approach in the road, private drive, on the opposite side of the property. Due to conflicting approaches and traffic concerns and whatnot, we went back and forth. So we had to flip the project 180 degrees just to make it more viable.

So with that being said, our lot coverage is exceeding your ordinance. We do comply with your ordinance or exceed the ordinance in every other way, front setback, side setbacks, rear setbacks. The six units that we have, the site actually when you go through the math would allow seven. So we have six. The lot area of our development is double what's required for each unit, and the area that's required as far as width, we're also double the width. So it's kind of an anomaly that we can exceed all the other factors in our coverage, falls a little bit shy of what's in your ordinance. These are high-end condominiums. They'll probably be in the value of 600 to 800, maybe 850. Again, there's four ranches, two split levels.

So we're looking to continue with the project. We really need the variance. Without the variance, my client really can't develop this property the way it's already been designed and approved. We've got preliminary site plan approval. We've gone through the eight different agencies for the community. They've all approved the project. They've all recommended going to final site plan approval.

The project design has not changed from day one when we went with your planning staff. The size of the units and the lot coverage has always been an issue that they said we would just have to seek a variance on that coverage since we met every other criteria. So in wrapping up, we don't feel we'll be any adverse effects to any of the adjoining neighbors. There's a motel that was converted to a residential unit, which is to the south of us. There's single-family home to the north. We have a lot of landscaping and screening around the project. It's a great buffer between those two uses. Again, based on the value of the units here, that will be an advantage to the adjoining property owners as their property values should

1 not be affected one way, shape or form. It's a
2 high-end development. My clients want to do something first class in your community. So I'm here tonight to ask for your approval on the variance that we need. Thank you.

CHAIRPERSON PEDDIBOYINA: Thank you so much. Any other comments on the public? Looks like none. From the city?

MR. HALL: Thank you, Mr. Chairman. I do have a couple questions. Was there a discrepancy between the lot coverage of the middle lot for what we're asking for tonight?

MR. CHIESA: Yeah. It's actually -- I believe that the numbers are actually less on that center lot than the $46 \%$. I think the two-story aspect of that got taken into account on that. But, in any event, we need relief. So that's why we're here tonight.

MR. HALL: I think the number is more like $37 \%$ is what he's asking for, so that would be more like a 12\% ask for a variance. That number's been confirmed. We've looked at that ourselves. There was a calculation error. The drawing's exactly the same as what planning's been used to looking at, and you have done a good job of making

1 it all fit on that site with the landscaping and 2 have met all the other requirements for the ordinance, so.

MR. CHIESA: Thank you.
MR. HALL: Thank you. Mr. Chairman. CHAIRPERSON PEDDIBOYINA: Okay. Thank you from the city. And correspondence secretary. MEMBER KRIEGER: For this case, 31 were mailed, one returned, two objections, zero approvals. The first objection is from Keith Stover on Barclay, Novi. The zoning ordinance as drafted as it is for a reason. The size of new structures regulated to reduce the imposition on neighboring properties allowing a larger building than is permitted by the zoning ordinance would detract from the property values of the neighboring lot. And the second one is Shilda Calmeter. I hope I said that right. And objection overcrowding. That's it.

CHAIRPERSON PEDDIBOYINA: Thank you. Okay. Let's open to the board. Dr. Sanghvi. MEMBER SANGHVI: Thank you. I came and tried to locate your property, but I couldn't find a sign to suggest this is where you are building the Luxor Estates.

MR. CHIESA: It's a very -- again, it's only 200 feet.

MEMBER SANGHVI: I couldn't final it because I looked around two, three times driving down the road. I couldn't find it. But anyway, I always have a little difficulty in granting variance when there is a new development and a new house is being built. Just tell me why should we grant you this variance.

MR. CHIESA: Well, we meet all of the other criteria. The lot widths are required to be 50. We're double that and greater. The percentage or the setbacks that are required, we meet every setback and we exceed the setbacks. The three buildings comprise six units. Going by the math, seven units can be built there. So we're less than the maximum density. Four of the units or to of the buildings are ranches which are low slung. The two-story unit, which is a split level is in the center. So we're separated from the property to the east by wooded area. Again, the property to the south is a motel that was turned into apartments I believe. I'm sorry, I don't know the name of it, that you could locate the property. But we meet every criteria. Your

1 planning department did not give any pushback to that. When we first presented it to them, they said you will have to get a variance, but it was recommended for approval. So the professionals in eight disciplines in this community have recommended through for approval, so that's why we're here tonight.

MEMBER SANGHVI: Okay. Thank you. CHAIRPERSON PEDDIBOYINA: Okay. Thank you, Dr. Sanghvi. Any other board members? Jay? MEMBER McLEOD: Just couple questions to confirm. So the zoning for this area was already multifamily, correct? MR. CHIESA: Correct. MEMBER McLEOD: And the units that you're building, you have three units, each are of a two-family sizes. So that in order to be multifamily, two families is going to be obviously the smallest that would be able to fit. I'm curious, what is the footprint? What is the square footage of the unit?

MR. CHIESA: The ranch units are 2291 and the split levels are 3200 , roughly. Just under 3200.

MR. McLEOD: And these are intended to

1 be, you said, more of like luxury homes, right?

MR. CHIESA: Correct.
MR. McLEOD: Okay. That's all I really
had. Overall I think it sounds like a good move and you're making due with the lot sizes that you have. The question I think would come up is, could you make the lot sizes, the home sizes smaller in square footage in order to meet the ordinance?

MR. CHIESA: We're off by a small
percentage on the lot coverage. And with trying to maintain basically the type of homes that are on the opposite side of the street, a higher end value trying to bring in that type of buyer, the square footage has to be so big. So again, we complied with anything. The areas for each unit are double what's required. Our setbacks, they meet it or they exceed. So it's -- I think it's kind of an anomaly. We've never come across this, and I've been in practice for 25 years. We've never complied with everything else but this one area. It's kind of a unique circumstance. So I don't know if it's just based on the percentage that's allowed. $25 \%$ is only one quarter of the property. But again, we feel that it's a nice

1 development and we're going for the higher end 2 value, and obviously we need square footage for

CHAIRPERSON PEDDIBOYINA: Okay, Jay. Go ahead.

MEMBER KRIEGER: So to confirm it, because that the 1.5 acres wide that you had to flip your plan and that's what caused the need for variance?

MR. CHIESA: No. The reason we had to
flip the plan is going through traffic, the traffic reviews in your community, civil engineering reviews in your community, all the agencies that have to review the project in the early stages, they weren't comfortable with the approach been adjacent to the motel turned into an apartment building on the south.

One of the things that came into play
is that building's approach swings onto my client's property, which you're not allowed to do. The radius from that swings onto my client's property, so that affected our approach location a little bit. We tried working, looking at different options, even considering paying for improvements to the apartment building's approach
trying to get the separation that the community was looking for. So they finally came back to us and said their recommendation is that we flip the property. No one has ever mentioned anything about the percentage or our lot coverage being a detriment to what we've provided.

MEMBER KRIEGER: Okay. And then so to the east with the neighboring subdivision there is a buffering of trees, and then you're putting in landscaping as well between neighbors?

MR. CHIESA: Yeah. We have a privacy fence actually that's going to go on that east property line with whatever landscaping can be incorporated. There's already a heavy wooded area there. And so there's a wooded buffer between the two developments.

MEMBER KRIEGER: Okay. Thank you.
CHAIRPERSON PEDDIBOYINA: Okay. Thank you, Linda. And my final thing is, is there any possibility can variance reduce a little bit.

MR. CHIESA: The square footage of the units if we had to try to meet your ordinance it would get the units so small that they would not be able to be the high-end development.

CHAIRPERSON PEDDIBOYINA: Okay. Any

1 other board member would like to speak? Looks 2 like none. Go ahead.

MEMBER MONTAGUE: In aggregate, if you put them together, the lot coverage is less of a percentage, but the one that's taking the most in the middle, so at least you've been sensitive to I think the arrangement on the site in doing it on your own site, so I appreciate that site layout.

MR. CHIESA: Thank you.
CHAIRPERSON PEDDIBOYINA: Okay. Thank you, Montague. Jay, can you make a motion, please?

MEMBER McLEOD: Sure. And you have to correct me if $I$ get the numbers wrong on this one. I move that we grant the variance in Case No. PZ24-0009 sought by Luxor Estates, for three lot variances of $3 \%$, . $21 \%$ and $3 \%$ respectfully because Petitioner has shown practical difficulty requiring a larger footprint in order to fit the upscale multifamily housing. Without the variance the Petitioner will be unreasonably prevented or limited with respect to use of the property because the zoning legitimately is for low density multifamily housing which the petitioner is trying to build with the target audience of upscale

1 buyers. The property is unique because of the small lot sizes versus the multifamily housing which the Petitioner has revised the plans multiple times in order to try to make the footprint work. The Petitioner did not create the condition because they have actually met every other ordinance except for this particular one. The relief granted will not unreasonably interfere with adjacent or surrounding properties because they, again, meet all of the other ordinances regarding setbacks. The relief is consistent with the spirit and intent of the ordinance because the variance is required to attract the more upscale multi-housing style family. In making the house small would not meet the target customers demands. MEMBER KRIEGER: Second. CHAIRPERSON PEDDIBOYINA: Thank you. Roll call, please. Sarah, roll call. MR. HALL: Mr. Chairman, you approved a larger variance than they actually are requesting. That's 21\%.

MR. McLEOD: It was 3\%, 21\%, 3\%.
MR. HALL: When you do the math, actually $21 \%$ is actually $12 \%$ because it's actually better than what the calculation is. So you
approved a larger variance, which is fine, but if you want to revise that to $12 \%$ that will still be in keeping with what he wants.

MR. McLEOD: When you said 12\%, I thought you meant in aggregate across the 3, not he individual lot.

MR. HALL: Right. So it would be 3\%, 12\%, 3\% is what it would accurately describe what he's asking for.

CHAIRPERSON PEDDIBOYINA: Okay. Thank

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you.
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MEMBER KRIEGER: I second the amendment.

MR. HALL: Is that fair?
MEMBER KRIEGER: Yeah.
CHAIRPERSON PEDDIBOYINA: Yes.
MEMBER KRIEGER: He's approved it, and agreed with that.

CHAIRPERSON PEDDIBOYINA: Okay. Thank you. Roll call, please.

MS. FLETCHER: Chairperson Peddiboyina?
CHAIRPERSON PEDDIBOYINA: Yes.
MS. FLETCHER: Member Sanghvi?
MEMBER SANGHVI: Yes.
MS. FLETCHER: Member Montague?

MEMBER MONTAGUE: Yes.
MS. FLETCHER: Member Krieger?
MEMBER KRIEGER: Yes member.
MS. FLETCHER: Member McLeod?
MEMBER McLEOD: Yes.
MS. FLETCHER: Thank you. Motion carries.

CHAIRPERSON PEDDIBOYINA:
Congratulations. Case no. PZ24-0010 (Catholic Central High School) 27225 Wixom Road, on Wixom Road, south of Twelve Mile Road, Parcel 50-22-18-200-027. The applicant is requesting a variance from the City of Novi Sign Ordinance Section 28-5(d) to allow an additional wall sign on the east elevation (Maximum of two wall signs are allowed for this tenant, variance of 1 additional wall sign). This property is zoned One-Family Residential (R-1). Okay. Please go ahead and spell your first and last name clearly. If you're an attorney, you don't have to do oath. If you're not an attorney, you need to take an oath from the secretary. Thank you.

MR. TUREK: Good evening. Ed Turek, T-U-R-E-K, president of Catholic Central High School. I am not an attorney.

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

MR. TUREK: I do.
MEMBER KRIEGER: Thank you.
MR. TUREK: Thank you. We're here. We are finishing up our new 57,000 square feet addition of our Hall of Science. And we're here asking for permission for an additional signage. Please note that the sign will not be seen from any visible city roads. Our team is here to describe the project, answer any questions. I'll ask Andy Wozniak to come up.

CHAIRPERSON PEDDIBOYINA: Thank you.
MR. WOZNIAK: Good evening. My name is
Andy Wozniak, W-O-Z-N-I-A-K. I'm with Zeimet Wozniak. We're the civil engineers on the site. I'm not an attorney.

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

MR. WOZNIAK: I do.
MEMBER KRIEGER: Thank you.
MR. WOZNIAK: So, what we're asking for is, as you know, two signs, both a cross and donor sign, and also it describes that it's the Hall of Science. The extraordinary circumstances on the

1 site is the shape of the lot. As you know -- as
2 you probably know, Catholic Central is located
3 along Wixom Road, and the buildings are not
4 visible from the road itself. Once you get on the 5 campus, it's important to identify which building 6 is which, and this will say the Hall of Science on 7 it.

Wixom Road. I do have -- we took some pictures earlier today or yesterday, excuse me. That's from looking actually on campus further west than Wixom Road. And then as you progress along, you'll see you get into the entrance monument, or the entrance archway. And you have to get all the way onto campus here before you actually see the building in this area. So it's really not visible from Wixom Road. I suppose in the wintertime when the leaves are down, you might be able to see the building, but chances of being able to see the sign are miniscule.

The second point is the scale of the building. The Hall of Science is a large building addition, and the sign is in proportion to the size of the building. It's not self-created. Again, the campus is not visible from Wixom Road.

1 And once you get on to campus, requires multiple sign locations.

There are no adverse impact on the surrounding areas. As again, they're not visible from Wixom Road. That's pretty much all we have.

CHAIRPERSON PEDDIBOYINA: Okay. Do you have any sign, what is the sign you are doing?

MR. WOZNIAK: Yeah. Any sign what?
CHAIRPERSON PEDDIBOYINA: The sign, is it a digital one or a regular sign.

MR. WOZNIAK: We have representatives from the sign company here, and he's going to answer those questions.

MR. ZEVENBERGEN: Nate Zevenbergen with Universal Sign. 5001 Falcon View Grand Rapids, and I'm not an attorney.

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

MR. ZEVENBERGEN: I do.
MEMBER KRIEGER: Thank you.
MR. ZEVENBERGEN: Yeah. So both of these signs are actually halo illuminated signage. So what that means is they have internal LEDs that shine back towards the building, towards the wall rather than facing the viewer themselves, so it's

1 a little bit more of a softer, softer glow to that
2 sign rather than that bright light. We've also included more of a warmer color LED in these, so it's going to match the building lighting that already exists so it will tie in quite well with the building.

One other thing to note too is the lettering. We built a backer pan. We're planning to build a backer pan to house all the wires and enclose those, and we're going to paint that to match the stone facade there to get it to blend into the building a little bit more.

CHAIRPERSON PEDDIBOYINA: Okay. Thank you. Audience, anybody like to comment on this. Looks like none. From the city?

MR. HALL: Mr. Chairman. So they are looking for two variances. One is for the additional sign, as he mentioned, and the other is for the size of the signs, they're increased because of the distance from the road which are both applicable.

I do have some questions. On the halo lighting, that lighting you said is going to be a warm light. I'm assuming it's a temperature of Calvin, is that correct?

MR. ZEVENBERGEN: Yes. I believe we do have that here. It is a lower -- it is $3,000 \mathrm{~K}$, so it is a very warm color.

MR. HALL: So that's going to be a warm light. That makes a difference for you. So it's a white light that's warm. So it's not a color. It's not going to detract from the material integrity, right? It will still be the same materials. It won't look like it's a, to be a better word, carnival. It's going to be white light that's just yellow in nature.

MR. ZEVENBERGEN: Correct. It's a standard white LED, just a warmer color temp, just like a standard light bulb would be.

MR. HALL: Okay. With that, I have no objection. Thank you, sir.

CHAIRPERSON PEDDIBOYINA: Thank you. Correspondence secretary.

MEMBER KRIEGER: For this case, 113 were mailed. Six returned, zero objections, zero approvals.

CHAIRPERSON PEDDIBOYINA: I have a
question. Is this -- can you please stand please. Is this light all the time $24 / 7$ is on? What is the times?

MR. WOZNIAK: Yeah. So this can be controllable. There's going to be a timer system, and it can be regulated when, you know, turn it off during certain times. Typically, obviously, they wouldn't have it on during the day and further controls can be made.

CHAIRPERSON PEDDIBOYINA: No flashing or anything.

MR. WOZNIAK: No flashing. It's constant on or constant off. Correct.

CHAIRPERSON PEDDIBOYINA: Thank you.
So open to the board. Dr. Sanghvi?
MEMBER SANGHVI: Thank you. I have known this campus from the days of Dr . Elmer. Goes back a long way starting from the beginning of this whole school until now. And I was back again on Saturday and drove around, and it's getting bigger than ever all the time, and I'm very happy that you are part of the City of Novi. And it's one of the gems of the city, in my opinion. And when $I$ saw this sign, I think it just needs a little identification in that part of the campus, and so I have no problem. Even though it's an additional sign, $I$ think you need it and you deserve it, and I'm all for it. Thank you.

MR. TUREK: Thank you.
CHAIRPERSON PEDDIBOYINA: Thank you,

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Dr. Sanghvi. Linda?
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MEMBER KRIEGER: I agree with Dr.
Sanghvi and his comments, and that also the lighting in the wintertime to have it at different times that you're going to need that. So thank you.

CHAIRPERSON PEDDIBOYINA: Thank you, Linda. Okay.

MEMBER SANGHVI: I make a motion --
CHAIRPERSON PEDDIBOYINA: Before
motion, Dr. Sanghvi, one second.
MEMBER SANGHVI: Okay.
CHAIRPERSON PEDDIBOYINA: I came --
MEMBER SANGHVI: I vote that we grant the variance in Case No --

CHAIRPERSON PEDDIBOYINA: Dr. Sanghvi, one second. I'm sorry. Yeah, we stayed at your school, my friends, close friends went to the same school, his last name is Chapalmargu, and friends also went and beautiful campus, and you give us several things to it city, and we appreciate it, and the City of Novi, and I have no objection. Thank you so much. Dr. Sanghvi, please go ahead.

2 jumping the gun. Anything, here we go again. I
MEMBER SANGHVI: I'm sorry. I was move that we grant the variance in the Case No. PZ24-0010 for Catholic Central High School which location is on 27225 Wixom Road. And also it is an opening on the front of Twelve Mile Road also, as far as $I$ am aware, and they are requesting an additional sign on the east elevation. This request is based on the circumstances and the features that are exceptional and unique to the property and do not result from conditions that exist generally in the different part of the city and they are not self-created. Because of the large size of the campus it is allowed to have a sign to identify this particular site. The failure to grant relief will unreasonably prevent and limit the use of the property and will result in substantially more inconvenience to the people attending the school as well as the parents and other people visiting the campus. The grant of relief would be, has already been offset by other improvements or actions already taken by the campus and school officials. The construction of the sign would require -- or does not significant alteration of natural features on the property.

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And The grant of it will not result in a use or
    structure that is incompatible with or
unreasonably interferes with adjacent or
surrounding properties or structures. Thank you.
    MEMBER KRIEGER: Second.
    CHAIRPERSON PEDDIBOYINA: Thank you,
Dr. Sanghvi. Roll Call, please.
        MS. FLETCHER: Chairperson Peddiboyina?
        CHAIRPERSON PEDDIBOYINA: Yes, please.
        MS. FLETCHER: Member Sanghvi?
        MEMBER SANGHVI: Yes.
        MS. FLETCHER: Member Montague?
        MEMBER MONTAGUE: Yes.
        MS. FLETCHER: Member Krieger?
        MEMBER KRIEGER: Yes.
        MS. FLETCHER: Member McLeod?
        MR. McLEOD: Yes.
        MS. FLETCHER: Thank you. Motion
        carries.
        CHAIRPERSON PEDDIBOYINA: Thank you.
        PZ24-0011 (Guernsey Farms) 21300 Novi Road, on
        Novi Road, north of Eight Mile Road, Parcel
        50-22-35-301-001. The applicant is requesting a
        variance from the City of Novi Zoning Ordinance
        Section 3.1.12.D for a side yard parking setback

1 of \(4.78 \mathrm{ft} .(10 \mathrm{ft}\). Required, variance of 5.22 ft.); and for a front yard parking set back of 11.9 ft. (20 ft. Required, variance of 8.1 ft.). This property is zoned General Business (B-3). Thank you. And please spell your first and last name clearly for the secretary and for the court reporter. If you're not an attorney, please take the oath from the secretary.

MR. PHILIPS: Good evening. My name is Joe Philips, I'm an architect and I'm not an attorney.

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

MR. PHILIPS: I do:
CHAIRPERSON PEDDIBOYINA: Please go ahead, Joe, please, and where we can help you tonight on this case.

MR. PHILIPS: I'm sorry. I didn't hear.

CHAIRPERSON PEDDIBOYINA: Please go ahead and present your case.

MR. PHILIPS: Thank you. I'm here tonight representing Guernsey Farms Dairy, in particular, Mr. Joe Kinville, who's here with us this evening, third generation owners of the

1 business. And I will absolutely answer any
2 questions you might have about all of the written text that we've provide you. But I just wanted to just graphically illustrate this area here, which is existing nonconformance is what we're here today to get an approval for that, and then the area in red here is the one that is the side yard setback that we're looking at.

The development of the addition that's on there really has helped to or will help to organize the site tremendously. Currently there are two drives, one that goes around here, and then another one that goes around there. This allows us to utilize that space for the space they desperately need to help with the function of their business.

Currently the north side of the building here, this is where the ice cream is unloaded onto the trucks. And you can see it's parallel to the trucks that come in, not perpendicular as was written, it has resulted in a couple accidents there with spoilage of materials. It's near the front of the building. With the solution that we've come up with the building and the site work, we've helped to kind of solidify a

1 lot of goodness on the site, I believe.

We tried to keep the addition as narrow as possible. There's another drawing in your package there that shows kind of the layout inside. What that illustrates is we were able to keep the aisles as narrow as possible in order to be able have the hi-lo's come in, feed ice cream on each side. Actually, we're going to get a special hi-lo that allows us to turn a little tighter than you would normally. Just trying to conserve all the space that we could in that width.

We weren't trying to maximize the coverage of the lot. Right here in front you can see we've got an area there that will now give kind of a representation of the corporate entrance to Guernsey. That other picture that I showed you last here, that is their corporate entrance. So we're trying to upgrade that a little bit, make it more identifiable from the front. That give us a chance to put some landscaping up there. So we're not interested necessarily in maximizing the site. All of the loading and unloading that used to occur here now occurs in the back. So we've got right here the milk products here and the ice

1 cream in the back. So all the industrial uses are
2 now hidden behind the building.

The traffic flow I think is actually better. It's just one loop around as if you've been to the site you know everyone enters here. And here is kind of the public entrance. Here is back the private and working entrance there, and there's just one loop around. Before there again there was two drives there, so it kind of unifies that a little bit more.

We've tried to just, again, beautify the front of the building as much as possible, provide the functional needs that we're looking for, and we're asking for consideration of that area there that is red. Again, included in your packet is a photograph. This is in the site looking back towards Novi Road, and you can see the area in there. There's a swale in there. These plantings here are on the adjacent property owner, so we're asking to narrow that down a little bit. Can't really landscape in that area because of the swale.
So we're -- it's our belief that tis'
minimal disruption, and we're looking hopefully for your favorable acceptance of our variance.

CHAIRPERSON PEDDIBOYINA: Thank you, Mr. Philips. Like to speak anybody? Joe? The name is Joe?

MR. KINVILLE: Yeah. Third generation.
CHAIRPERSON PEDDIBOYINA: Good luck.
MR. KINVILLE: Thank you. Very much. Joe Kinville. K-I-N-V-I-L-L-E.

MEMBER KRIEGER: Are you an attorney. No. Do you swear or affirm to tell the truth in this case?

MR. KINVILLE: I do. Yeah. I appreciate everything that Joe had brought up already. It's our intention to continue to operate business in the City of Novi. We've been here for 84 years or so. Been in business for 84 years, and this addition will allow us to be able to do that. Right now we're saying no to so much business because we don't have the space to put more ice cream. The way we -- the way we load trucks currently I think in 2000 is when we did our most recent addition to that side of the building. There was design to load side loading trucks. Those side loading trucks are all gone now. Now they're all backloading trucks. That's what the need for this addition is with the

1 addition of more storage space. So to be able to
2 park these cars kind of where they're already

MR. HALL: Thank you, Mr. Chairman. Just for historical reference this project was granted a variance back in February of 2020 for the absence of end islands in the parking lot. There was also another variance granted in May of 2020 for allowing six additional signs. I did talk to the planning department. This is a very tight site with an existing project. They did a really good job of organization on this so we have no objections.

CHAIRPERSON PEDDIBOYINA: Thank you. Correspondence secretary.

MEMBER KRIEGER: In this case 36 were mailed, two returned, zero objections, zero approvals.

CHAIRPERSON PEDDIBOYINA: Thank you, Linda. I recall my memory one of the -- you guys
upgraded in the pandemic time, no? You carried everything inside?

MR. KINVILLE: Correct:
CHAIRPERSON PEDDIBOYINA: And the ex-mayor, Bob Gatt, came and inaugurated or something? Our mayor? Bob Gatt?

MR. KINVILLE: Oh, yeah. The mayor came through. Yeah.

CHAIRPERSON PEDDIBOYINA: I remember one of the state he addressed about you guys did a fantastic job and it's such a wonderful ice cream. They always come and eat and nobody resists. And I have no objection on that open to the board. Dr. Sanghvi.

MEMBER SANGHVI: Thank you. Well I've loved this play for over 45 years. And it was the days before you had a restaurant or anything. It was just ice cream. And I don't know weather you guys know it, but many years ago People magazine wrote Guernsey ice cream is one of the top five ice creams in the United States.

MR. KINVILLE: Oh, yeah. We know it. MEMBER SANGHVI: And we go back a long way. An ever expanding business. I don't know where you are you going to go next because the way

1 you are expanding, you're so popular it's really 2 hard to come and park there, you see, especially 3 in summertime. And I understand your need for 4 your increased parking space and all that. And I

MEMBER MONTAGUE: Yes. I think the solution to clean out the site circulation is very good. It is a congested site, as we've all been there and tried to drive around. The other thing I applaud is cleaning up that end of that front

1 facade. It's not the best feature right now. So
2 cleaning that up \(I\) think will be a real plus. And I also appreciate that you upgraded the landscaping. So thank you.

CHAIRPERSON PEDDIBOYINA: Thank you, Montague. Okay.

MR. McLEOD: Another question. So I understand the sign setback, but \(I\) didn't understand the front parking setback. Could you point out on the diagram what that is?

MR. PHILIPS: Yes. That was something that I wasn't aware of that we were going to be here for tonight. I think it was something that was discovered after we submitted. But I'll explain it, and then if you could let me know if I'm wrong. But this area right here, this is actually the setback from the parking that dashed line near the from of the pace. So that right there is technically in violation of the front yard setback for parking. Did I state that correctly?

MEMBER KRIEGER: So conforming nonconforming?

MR. HALL: It was advertised. So that's good.

CHAIRPERSON PEDDIBOYINA: Okay.
MEMBER McLEOD: So those parking spots
have been there for quite some time until they were noticed.

MR. PHILIPS: That's correct. We're going to be repaving, so that may be part of the reason.

CHAIRPERSON PEDDIBOYINA: Okay. Go ahead and make a motion please.

MEMBER McLEOD: All right. Sure. So in the interest of full disclosure, \(I\) do have a carton of Guernsey ice cream at home. So I move that we grant the variance in Case No. PZ24-0011 sought by Guernsey Farms for both the side yard setback as well as the front setback. Side yard of 4.75 and front of 11.9 because the Petitioner has shown practical difficulty in expanding the space needed for operations. Without the variance the Petitioner will be unreasonably prevented or limited with respect to use of the property because the additional space will improve employee safety and operations. The property is unique because it is a sliver property wedged up against a railroad track. Petitioner did not create the condition because the petitioner is doing its best
to fit the operation within the property size allotted. The relief granted will not unreasonably interfere with adjacent or surrounding properties because there is no encroachment on the property on the railroad track or interfering with the current parking situation. The relief is consistent with the spirit and intent of the ordinance because no one is inconvenienced. The business will be able to operate with improved safety and the company can continue to expand. MEMBER KRIEGER: Second. CHAIRPERSON PEDDIBOYINA: Thank you. Roll call, please. MS. FLETCHER: Chairperson Peddiboyina. CHAIRPERSON PEDDIBOYINA: Yes. MS. FLETCHER: Member Sanghvi? MEMBER SANGHVI: Yes. MS. FLETCHER: Member Montague? MEMBER MONTAGUE: Yes. MS. FLETCHER: Member Krieger? MEMBER KRIEGER: Yes. MS. FLETCHER: Member McLeod? MEMBER McLEOD: Yes. MS. FLETCHER: Thank you. Motion
carries.
CHAIRPERSON PEDDIBOYINA:
Congratulations.
MR. KINVILLE: Thank you very much. Thank you for your consideration and your time. Have a pleasant evening.

MEMBER KRIEGER: You too.
CHAIRPERSON PEDDIBOYINA: PZ24-0012
(Pickleball Novi) 22650, 22700, 22750 Venture Drive, north of Nine Mile Road, west of Meadowbrook Road, Parcels 50-22-26-401 --

MEMBER KRIEGER: Are you here for pickleball?

MS. GHANNAM: No. I'm Nancy Ghannam, the next one.

MS. FLETCHER: Okay. Go ahead and have a seat.

CHAIRPERSON PEDDIBOYINA: Voting then on the pickleball?

MR. HALL: Go ahead. I can answer
that. You want me to answer it now?
MEMBER KRIEGER: Yeah.
CHAIRPERSON PEDDIBOYINA: Go ahead.
MR. HALL: So they have asked to
postpone their hearing until June 11, the next
hearing. If that can be -- do they have to vote on that.

CHAIRPERSON PEDDIBOYINA: Linda, do you want to make any motion or anything?

MEMBER KRIEGER: I move to change the pickleball petition from tonight to June 11th, 2024.

CHAIRPERSON PEDDIBOYINA: Okay. Thank you. Roll call.

MS. FLETCHER: Chairperson Peddiboyina.
CHAIRPERSON PEDDIBOYINA: Yes.
MS. FLETCHER: Member Sanghvi?
MEMBER SANGHVI: Yes.
MS. FLETCHER: Member Montague?
MEMBER MONTAGUE: Yes.
MS. FLETCHER: Member Krieger?
MEMBER KRIEGER: Yes.
MS. FLETCHER: Member McLeod?
MEMBER McLEOD: Yes.
MS. FLETCHER: Thank you. Motion carries.

CHAIRPERSON PEDDIBOYINA: PZ24-0013 (Nancy Ghannam) 707 South Lake Drive, on South Lake Drive, east of Thirteen Mile Road, Parcel 50-22-03-454-021. The applicant is requesting a

1 variance from the City of Novi Zoning Ordinance Section 3.32.10.A for an interpretation of the ordinance regarding an unobstructed yard; Section 3.32.10.A.ii.a for a 192 sq. Ft. Gazebo (100 sq. Ft. Allowed, variance of 92 sq. Ft.). This property is zoned One-Family Residential (R-4). Please go ahead and tell us first and last name clearly for the secretary. If you're an attorney, you don't need to give oath. If you're not an attorney you need to take an oath from the secretary. Thank you.

MS. GHANNAM: Good evening. My name is Nancy Ghannam, G-H-A-N-N-A-M. I'm not an attorney.

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

MS. GHANNAM: I do.
MEMBER KRIEGER: Thank you.
CHAIRPERSON PEDDIBOYINA: Please go ahead, Nancy, where we can help you tonight on this case.

MS. GHANNAM: Yes. So the first question, and my husband has done a lot of research on this. He was on the zoning board for years. We're not each sure we need a variance

1 because we are -- the variances are for enclosed 2 structures and our structure is not going to be enclosed. I guess he'd gone back and forth with the city on whether we actually need a variance, and if we do need a variance, that's what we're asking for this evening. It's our understanding that we are allowed a ten-by-ten enclosed -- or 100 square foot structure that's enclosed. Our structure is not enclosed. I'm showing you here what it is. It's completely open. Also all four sides you can see through it. There's several of them on the lake that are larger than ten-by-ten. There's one -- there's the condos down the street from us have two of them just like this, and one of them is 11 feet. You can see it's measured right there. And then another one is 15 feet. And so I guess the first question is if we need a variance, and then the second question is we'll ask for the variance. It is going to be a completely open structure. We don't want to create an eyesore. We don't want to block anybody's view. Our lot on 707 sits up higher than the lake side. So the houses on our street sit up higher than the lake. So the structure is even lower. It doesn't block anybody's view.

1 It's completely open. It's just a couple feet
2 over. We want it so that we can put patio
furniture and have -- have some shade, and ten-by-ten is too small. So that's what we're requesting today.

CHAIRPERSON PEDDIBOYINA: Okay.
Anything you would like to add?
MS. GHANNAM: No. We're just hoping -like we've spoken to all of our neighbors. I know you guys have done the formal letter mailing, and we've informally spoken to all of our neighbors and they seem to all be fine with it. Nobody's disagreeing. Ironically, when we built our house, we just completed it in -- it's been a year. The city made us put up three canopy trees in our right-of-way which actually do block everybody's view, and our neighbors have complained about the trees, but we're forced to put them up. So it's ironic that now we're being questioned on something that's completely see-through on the lake side but the city forced us to up three trees that keep get bigger. All winter they had no leaves on them, and now they have leaves, and now we're blocking everybody's view and are all of our neighbors are irritated by the trees that the city

1 required us to put up, but this structure is -2 nobody has objected to it.

CHAIRPERSON PEDDIBOYINA: Okay. Thank you. Would like to now nobody looks like on Zoom call or anybody. Looks like none. From the city?

MR. HALL: Mr. Chairman. A brief history back in May of 2022 this project was granted three variances, a front yard setback variance, a rear yard setback variance, a lot coverage of 5\% variance. In July of 2022 there was a variance for, two foot six variance for a driveway. And then in May of 2023 there was a front yard setback for a patio. That's the history.

We would consider this as a thing that would obstruct. It has a roof on it. It could have walls. In this picture there you can see there's curtains that may or may not close, so it would block the view. So we would consider this something that would obstruct. Unobstructed would be something that would open to the air, something that wouldn't have any kind of a means of blocking any kind of view. Trees and shelters are two different things, so it's two different ordinances in that case to answer that question. So I don't

1 know if we have to look at that first because of 2 interpretation, or do we go right in to the size

MS. GHANNAM: Unless you just want to approve the size then we don't have to.

MR. HALL: So we do the interpretation first, so we should probably vote on the interpretation? I think what we'll do, Mr. Chairman, we'll probably look at the interpretation of the ordinance and see if it's under the purview first.

MS. SHORTLEY: So in 3.32 general
exception section 10 is lots having water frontage. And in 10.2 a a shed shall be no larger than ten feet by ten feet in area and no taller than eight feet in height. The lot coverage of a shed is no more than \(5 \%\). The shed is a minimum of ten feet from the adjacent roadway and a minimum of one foot from the side property lines.

MR. HALL: Make an interpretation of the structure.

MS. SHORTLEY: Well, I would say, because I did consult with Saarela about this today, who's generally your attorney, and we believe that because of the roof that is very similar to a shed that you would be able to interpret it under that section of the ordinance. CHAIRPERSON PEDDIBOYINA: Anything else?

MR. HALL: I think that would -- the ordinance \(I\) guess that the board to consider that if this would be under the exception for a shed. The ordinance says everything has to be open, but there is exception for a shed of a certain size. So does this fall under the purview of the ordinance. That's the question you have before you right now.

MEMBER KRIEGER: That it does?
MR. HALL: It does or it doesn't. So I guess in one area, if it does, then we get a variance for the size and the height, which is bigger than what the ordinance allows for a shed. If it doesn't, that means there's no regulation on the size. It could be any size, any shape, and any height, if that makes sense.

MS. GHANNAM: It's our understanding
that a shed is something you store things in, and this will not be -- we will not be storing any anything in there.

MR. HALL: That's correct. What I'm asking for the board to consider is that if it's not under the purview of the ordinance, this object you have before us could be any height, any size, and any width.

MS. GHANNAM: Right. Which our main consideration is, obviously, we don't block our own view also because it's right in front of our house, so we're not going to put up something that's going to block our view, as well as our neighbors. We have to live with these people, so, you know.

MEMBER KRIEGER: I have a question. Around the corner on East Lake there's one that's similar. Did they come to the city for --

MR. HALL: They did. All the sheds on that side come for a variance if it's bigger than ten-by-ten by a certain height.

MS. GHANNAM: The condos at the end of South Lake Drive have two of them. They have two of those structures that are bigger.

MR. HALL: So we're not saying that

1 those -- any structure on that side would be allowed or not allowed. The question before us right now is that under the purview of the ordinance. Is that something that's obstructing. If it's not obstructing, then what we're saying in effect is that it can be any size, and width, any height. It could cover the entire property toward the lake. That would be before us. Looks like you have a patio. That patio could expand whatever that would be because it's open to the air. So that's the question \(I\) believe is before us right now, is it under the purview. If it's under the purview and it is considered a structure, then we can look at the size and the variance of that.

MEMBER KRIEGER: There's a slope on South Lake that's different than East Lake, where East Lake when you drive around, you can see right through. Whereas on South Lake, when you drive, the roof could potentially obstruct. Of course, it's nine feet, and I don't know how the road difference compared to the water view how much of it it would be.

CHAIRPERSON PEDDIBOYINA: Anything?
MR. McLEOD: I'll make a motion. I'll
move that given the precedent of having reviewed and approved, apparently, other similar structures under the precedent of being a shed that we do count this case as well as open structure under the shed ordinance.

MEMBER KRIEGER: Okay. Second.
CHAIRPERSON PEDDIBOYINA: Roll call, please. Jay, can you repeat the motion? MR. McLEOD: Sure. I move that given the precedent previously set that other similar structures have been ruled upon under the ordinance of being a shed that move this one forward as well under the same ordinance for being a similar structure.

MEMBER KRIEGER: Second.
CHAIRPERSON PEDDIBOYINA: Roll call,
please.
MS. FLETCHER: Chairperson Peddiboyina.
CHAIRPERSON PEDDIBOYINA: Yes.
MS. FLETCHER: Member Sanghvi?
MEMBER SANGHVI: Yes.
MS. FLETCHER: Member Montague?
MEMBER MONTAGUE: Yes.
MS. FLETCHER: Member Krieger?
MEMBER KRIEGER: Yes.

MS. FLETCHER: Member McLeod?
MEMBER McLEOD: Yes.
MS. FLETCHER: Thank you. Motion carries.

CHAIRPERSON PEDDIBOYINA: Okay. Anything from the city?

MR. HALL: So next we would talk about size. She wants to present her case for the size of why it's bigger than ten-by-ten by I think it's eight foot tall.

MS. GHANNAM: So our lot is one of the largest on South Lake Drive. We have 90 feet frontage. So relative to the size of our lot, the structure is small. It will be open all the time. People can see right through it. There are curtains there maybe on a windy day, but truthfully on a windy day, I probably won't be sitting ut on the lake anyway. So I mean those are just decorative than they are. People can see right through it. Like \(I\) said, it's going to sit low. It's ten-by-ten. You really can't put any patio furniture under a ten-by-ten structure. Those are mainly for people that are throwing all their kayaks, and paddle boards and all that kind of stuff in a ten-by-ten structure. This was just

1 something so that we can have some shade when we 2 want to sit out on the lake. And it is a very 3 nice looking structure. It will add to the area 4 and we would ask that you approve a couple extra feet for us. Based on the size of our lot, it really -- relative to its -- percentage wise it doesn't take up more space than the smaller lots. Most of them are 40 feet frontage, and then ten-by-ten makes sense. But for the size of ours, we need something a little bit larger.

CHAIRPERSON PEDDIBOYINA: Okay.
MR. HALL: Thank you, Mr. Char. So
yes. She's asking for a variance for the size. That ten-by-ten by eight is approved by ordinance, and she's asking for a structure that is -- I'm sorry. 12-by-16 nine and a half feet tall. So she's looking for size variances on length, width and height.

CHAIRPERSON PEDDIBOYINA:
Correspondence.
MEMBER KRIEGER: Twenty were mailed, zero returned, zero objections, one approval. Approval is from Francisco Esposito. Good afternoon. I'm the homeowner of 621 South Lake Drive and wanted to confirm, convey my support for
the variance request for a gazebo at 707 South Lake receiving a public hearing notice. That's it.

CHAIRPERSON PEDDIBOYINA: Thank you. Let's go to the Board. Anybody would like, go ahead. Dr. Sanghvi.

MEMBER SANGHVI: I came and visited again.

MS. GHANNAM: Why didn't you stop by for a cup of coffee?

MEMBER SANGHVI: I just have one question.

MS. GHANNAM: Yes.
MEMBER SANGHVI: How much is the total frontage of your property?

MS. GHANNAM: Ninety.
MEMBER SANGHVI: How much is this area going to cover in the front.

MS. GHANNAM: Twelve feet. It's 12
by -- I can't remember. I keep forgetting the dimensions.

MEMBER SANGHVI: It's an enormous gazebo you are building there.

MS. GHANNAM: I'm sorry?
MEMBER SANGHVI: I say it's quite a
large size gazebo.
MS. GHANNAM: Only a couple feet more than the sheds that everybody else has.

MEMBER SANGHVI: Almost twice the size by the ordinance. And I can see the need and I can understand because these are all very small lots. So really, in spite of all those things, I think I can support your request. Thank you. CHAIRPERSON PEDDIBOYINA: Thank you, Dr. Sanghvi. Any other board member, please.

MEMBER KRIEGER: Question. The excavation is for really putting down sand or -MS. GHANNAM: You mean the work that's being done now?

MEMBER KRIEGER: Yeah.
MS. GHANNAM: We're putting brick pavers so that we can put it on, make it permanent. It can be affixed because we don't want it to fly away in the wind. MEMBER KRIEGER: And it's going to be centered or to one side? MS. GHANNAM: It's going to be off center. MEMBER KRIEGER: Off center? MS. GHANNAM: Off center. Yeah.

MEMBER KRIEGER: And then the screening would probably be for mosquito netting for nighttime just in case so nobody -- the sight -the line of sight it is not going to be obstructing because it's nighttime. And considering the proportion, considering what decks are in other areas, and the one on the East Lake, it's very similar. And ten-by-ten for company and actually going out and sitting under that, the only question \(I\) would have is the 9.5 feet on the slope is how much of the roof you're going to be seeing versus -- can configure that for us? Is the pavers going to be right at the level or --

MS. GHANNAM: No. Everything is -- you know, the street is here. Our lake property, we actually have built steps and you go down like three or four steps. They're actually building them right now. So it's much lower. MEMBER KRIEGER: So you can see through:

MS. GHANNAM: Yeah. When you're looking out on the horizon or looking out this way, you're not looking down, which is where the actual to of that structure. Our main concern, we don't want to block our own view, so we're not
going to put up something. That's been our concern. That was our issue with the canopy trees that they made us put. The city's made us blocked our view, trees that we had to have.

MEMBER KRIEGER: Well, in the future, you can always prune them higher so as they mature.

MS. GHANNAM: The city will come back at us for that. We're afraid to touch those trees. We had to put up a bond for two years on those trees. So those trees are precious. But this, we really feel like it's not. We've talked to all our neighbors on both sides of us and that neighbor is three doors down. Everybody has them. You know, they hang out. Everybody hangs out on their lake lot, and that's what they do. But ours, I think ours is much less obstructive because you can see right through it. Everybody got sheds with four sides.

MEMBER KRIEGER: So you have no intent of putting sides up? MS. GHANNAM: Nope. We have a basement, so all of our stuff gets stored in the basement. That's why most of the people have those structures, but those structures are way

1 block people's view more then -- I know the roof is a little bit higher, but you can still see all of the way through this structure. They have an entire enclosed shed.

MEMBER KRIEGER: Would you do 12-by-12?
MS. GHANNAM: It's already prebuilt. It's something we're going to get from Sam's Club. So if we could have adjusted it, we would, but it's pre -- it's pre done. So that's why we're hoping to save some money and buy something that's. Pre done and have if the completely built. It would cost us probably three or four times as much money than buy something that's complicated so. Economical here.

CHAIRPERSON PEDDIBOYINA: I'm supposed to ask you the question. You are bringing the Costco or Sam's Club, the gazebo?

MS. GHANNAM: Yes.
CHAIRPERSON PEDDIBOYINA: That's what I wanted to ask you.

MS. GHANNAM: Yes. Yes. It's from Sam's Club. This is the exact picture of the one that we would like to purchase.

CHAIRPERSON PEDDIBOYINA: Okay. Any other board member.

MEMBER MONTAGUE: One last. Generally I'm not really for making things bigger, but I appreciate that this one can be see through. I think most people are trying to put restrooms and all kinds of crazy things which \(I\) don't think is appropriate on that side of the road. I like this one because it's see through. It is clean. It's nice looking compared to some of the stuff that's on there. It's going to be a real improvement. MS. GHANNAM: Thank you. MEMBER MONTAGUE: So I do to support you on this.

MS. GHANNAM: Thank you. CHAIRPERSON PEDDIBOYINA: Thank you. Any other board member. Linda, can you make a motion, please.

MEMBER KRIEGER: In Case No. PZ24-0013 I move to grant their variance for the case number sought by the petitioner. The petitioner has shown practical difficulty requiring the need to fit for the lake living needs. Without the variance the Petitioner will be unreasonably prevented or limited with respect to the use of property because of the nature of living on the lake and needing materials at the lake like grill
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and chairs. The property is unique because it is a
longer lot, }90\mathrm{ feet. Petitioner did not create
the condition because this is a lakefront
property. The Petitioner is not going to
unreasonably interfere with adjacent or
surrounding properties because you will be able to
see through to the lake with this gazebo not being
enclosed. It may need mosquito netting for
nighttime, and that's it. The relief is consistent
with the spirit and intent of the ordinance
because it is a reasonable request.
MEMBER SANGHVI: Second.
CHAIRPERSON PEDDIBOYINA: Thank you.
Roll call, please.
MS. FLETCHER: Chairperson Peddiboyina?
CHAIRPERSON PEDDIBOYINA: Yes.
MS. FLETCHER: Member Krieger?
MEMBER KRIEGER: Yes.
MS. FLETCHER: Member McLeod?
MR. McLEOD: Yes.
MS. FLETCHER: Member Montague.
MEMBER MONTAGUE: Yes.
MS. FLETCHER: Member Sanghvi?
MEMBER SANGHVI: Yes.
MS. FLETCHER: Thank you. Motion
carries.
CHAIRPERSON PEDDIBOYINA:
Congratulations, Nancy. Enjoy the beach with gazebo.

MS. GHANNAM: Thank you. I appreciate.
CHAIRPERSON PEDDIBOYINA: Before I adjourn, any other maters?

MEMBER McLEOD: Official suggestion on the forms that we were provided by the city that the approved side uses a green or blue instead of the bright red, which --

CHAIRPERSON PEDDIBOYINA: Thank what you. Any other matters?

MEMBER KRIEGER: The classes that we're going to have. You're still working on it?

MS. FLETCHER: We are. We're working on finalizing a date.

MEMBER KRIEGER: Okay.
MS. FLETCHER: But we May have a date in mind, June 20th, but it's not confirmed yet.

MEMBER KRIEGER: I just want to make sure.

MS. FLETCHER: I'll email ask you guys this week about it.

CHAIRPERSON PEDDIBOYINA: We have our

1 picnic coming and the board members. I'm sending

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email to our group. Please RSVP, and you can
    enjoy the food. Thank you. And before I adjourn,
    any other things? Somebody make a motion.
    MEMBER KRIEGER: Move to adjourn. All
    in favor?
        THE BOARD: Aye.
        CHAIRPERSON PEDDIBOYINA: Thank you
        guys.
        (The meeting was adjourned at 8:22 p.m.)
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## CERTIFICATE OF NOTARY

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STATE OF MICHIGAN )
    ) SS
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COUNTY OF OAKLAND )
I, Melinda R. Womack, Certified
Shorthand Reporter, a Notary Public in and for the above county and state, do hereby certify that the above meeting was taken before me at the time and place hereinbefore set forth were duly recorded by me stenographically and reduced to computer transcription; that this is a true, full and correct transcript of my stenographic notes so taken; and that I am not related to, nor of counsel to either party nor interested in the event of this cause.


Melinda R. Womack, CSR-3611
Notary Public,
Oakland County, Michigan
My Commission expires: 06-22-2025


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