

**Meeting**  
**08/12/2025**

1                   REGULAR MEETING - ZONING BOARD OF APPEALS

2                                   CITY OF NOVI

3   Tuesday, August 12, 2025

4   Council Chambers/Novi Civic Center

5   41725 Novi Road

6   Novi, Michigan

7  
8       BOARD MEMBERS:

9  
10                                   W. Clift Montague, Chairperson  
11                                   Siddharth Mav Sanghvi, Member  
12                                   Joe Peddiboyina, Member  
13                                   Linda Krieger, Member  
14                                   Mike Longo, Secretary  
15                                   Michael Thompson, Member  
16                                   Joe Samona, Member

17  
18       ALSO PRESENT:

19                                   Elizabeth Saarela, City Attorney  
20                                   Alan Hall, Deputy Community Development  
21   Director  
22                                   Sarah Fletcher, Recording Secretary  
23                                   Megan Nardone, Recording Secretary

24       REPORTED BY:

25                                   Melinda R. Womack  
                                  Certified Shorthand Reporter

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1 CHAIRPERSON MONTAGUE: All right. I'd  
2 like to call to order the Zoning Board of Appeals  
3 meeting for August 12th, 2025. Mike will lead us  
4 in the Pledge of Allegiance, please.

5 (Pledge of Allegiance recited)

6 MEMBER LONGO: Sir, thank you for your  
7 service.

8 CHAIRPERSON MONTAGUE: Roll call,  
9 please.

10 MS. NARDONE: Chairperson Montague?

11 CHAIRPERSON MONTAGUE: Here.

12 MS. NARDONE: Member Sanghvi?

13 MEMBER SANGHVI: Yeah.

14 MS. NARDONE: Member Thompson?

15 MEMBER THOMPSON: Yes.

16 MS. NARDONE: Member Peddiboyina?

17 MEMBER PEDDIBOYINA: Yes, please.

18 MS. NARDONE: Member Longo?

19 MEMBER LONGO: Here.

20 MS. NARDONE: Member Krieger?

21 MEMBER KRIEGER: Here.

22 MS. NARDONE: Member Samona?

23 MEMBER SAMONA: Here.

24 MS. NARDONE: We have a quorum.

25 CHAIRPERSON MONTAGUE: The rules of

1 conduct. Please silence or turn off your cell  
2 phones. We have six cases tonight. We will ask  
3 the representative for each case to come forward,  
4 say and spell your name for the court recorder, be  
5 ready to swear to the secretary. You will have  
6 ten minutes to address the Board and present your  
7 case. Then there will be anyone from the audience  
8 that can address that case. We will have three  
9 minutes to speak. I will ask the members of the  
10 audience address once unless directed by a board  
11 member. With that said, we'll talk about the  
12 approval of the minutes.

13 MEMBER SAMONA: Motion to approve.

14 MEMBER PEDDIBOYINA: Second.

15 CHAIRPERSON MONTAGUE: All in favor  
16 aye.

17 THE BOARD: Aye.

18 CHAIRPERSON MONTAGUE: Any opposed?  
19 Thank you. The agenda. Are there any changes to  
20 the agenda for tonight?

21 MEMBER SAMONA: I'm sorry. I know I  
22 just made the motion to approve. Sorry to  
23 interrupt. But I believe on the minutes there was  
24 an I believe the motion to adjourn. I believe  
25 there was a motion and a second, but I don't think

1 everyone was called for all in favor. I don't  
2 know if that makes a difference.

3 MR. HALL: I don't think so.

4 MS. SAARELA: No.

5 MEMBER SAMONA: No? Sorry to  
6 interrupt.

7 MR. HALL: No additions to the agenda.

8 CHAIRPERSON MONTAGUE: No additions to  
9 the agenda. I'll entertain a motion for approval  
10 of the agenda.

11 MEMBER PEDDIBOYINA: I approve.

12 MEMBER KRIEGER: Second.

13 CHAIRPERSON MONTAGUE: All in favor  
14 aye.

15 THE BOARD: Aye.

16 CHAIRPERSON MONTAGUE: Any opposed?

17 All right. Thank you. We have a little time  
18 here. If there are any public remarks that anyone  
19 would like to make not associated with the case?  
20 Are there any? Doesn't appear so. So thank you.  
21 We will get on with our public hearings then. The  
22 first case, PZ25-0032, Brian Sears. The Applicant  
23 is requesting the variance from the City of Novi  
24 Zoning Ordinance Section 5.11.1.A.ii to allow a 6  
25 foot fence in the interior side yard setback on

1 the north and west property lines not permitted  
2 for this property. The property is zoned  
3 One-Family Residential (R-1). We have someone to  
4 talk to the case, please come forward. Say your  
5 name and spell it. If you have any visuals for  
6 the people watching would be nice if you put them  
7 on the screen there. There you go. Thank you.

8 MR. SEARS: My name is Brian Sears  
9 spelled B-R-I-A-N, S-E-A-R-S.

10 MEMBER LONGO: Brian, are you an  
11 attorney?

12 MR. SEARS: No.

13 MEMBER LONGO: Do you promise to tell  
14 the truth in this case?

15 MR. SEARS: Yes.

16 MEMBER LONGO: Thank you.

17 CHAIRPERSON MONTAGUE: How can we help  
18 you today?

19 MR. SEARS: So we purchased this  
20 property. We moved in last year. We've been  
21 trying to beautify it the best we can, and we have  
22 a lot of concerns around privacy, safety, and just  
23 the whole functionality of the location along the  
24 borders there at 10 Mile and Beck. My family as  
25 we have a younger daughter and a teenage daughter,

1 and we're kind of concerned about not being able  
2 to let our younger daughter play outside. I do  
3 have a photo here of kind of -- you can see what's  
4 happening. That is immediately Ten Mile right  
5 there alongside the front yard. The sidewalk  
6 comes within about four feet. We're looking at  
7 putting a six-foot vinyl fence along the perimeter  
8 of both of these roads, Ten Mile and Beck, to kind  
9 of help with that whole security privacy concerns  
10 of ours. There's a lot of foot traffic that has  
11 notably walked across our property lines without  
12 some sort of barrier. We get cars that actually  
13 drive up our driveway looking to make a quick  
14 escape on Ten Mile not understanding that it is a  
15 driveway, essentially. And we think this will  
16 aesthetically be a lot more appealing than what we  
17 got going on right now. So we're looking at  
18 basically the functionality and aesthetics of our  
19 property, and we believe that a fence will help us  
20 achieve that. And the most aesthetic way versus  
21 like trying to approach this via planting 300 feet  
22 of arborvitaes along the road to try to give us  
23 some privacy, that would take years to grow and  
24 anything practical for our use.

25 CHAIRPERSON MONTAGUE: Okay. Anything

1 else to add?

2 MR. SEARS: Not at this time.

3 CHAIRPERSON MONTAGUE: Anybody in the  
4 audience want to comment on this case? I see no  
5 one stepping forward. City?

6 MR. HALL: Mr. Chairman. Yes, he is  
7 seeking a dimensional variance tonight to provide  
8 333 lineal feet, a six-foot high fence. It does  
9 go along the property line along two major roads,  
10 so it would be considered a front yard and  
11 exterior side yard. So he's asking a variance for  
12 putting his fence there. I do have a question.  
13 Do you have any landscaping that you're planning  
14 on Ten Mile side of the fence or just be a hard  
15 fence to the Ten Mile Road?

16 MR. SEARS: At this time there is none,  
17 but there currently exists quite a bit of, I don't  
18 know what kind of plant there is there  
19 specifically. They almost look like mini palm  
20 trees. They're still all there that is actually  
21 on the city side, so that would be breaking up  
22 some of the fence. I am not opposed to doing  
23 anything like in addition to that, kind of add to  
24 that. I do know one of the other concerns that  
25 was brought about the city is line of sight at Ten

1 and Beck. We discussed the possibilities of kind  
2 of like chamfering off that corner there, just  
3 having the fence go angled and continue to provide  
4 a line of sight if necessary.

5 MR. HALL: I'm glad you mentioned that  
6 because that was going to be a concern that if  
7 there is a case for the vision there, we'd have to  
8 abide by the ordinance for the dimensional  
9 variance. So there's a vision triangle. I'm not  
10 sure how it affects where you're at, but if it  
11 does, we'll have to modify the fence. So we'll  
12 have to look at that and review. Thank you, Mr.  
13 Chairman.

14 CHAIRPERSON MONTAGUE: Correspondence?

15 MEMBER LONGO: Thank you. Yes. We  
16 mailed out 17 notices. Two were returned. There  
17 were no objections and no approvals.

18 CHAIRPERSON MONTAGUE: All right.  
19 Thank you. All right. Open up to the board for  
20 comments.

21 MEMBER SANGHVI: Thank you. I came and  
22 visited your place. Your fence is already up, and  
23 I can understand the need for your plans because  
24 you are too close for comfort to the main road on  
25 two sides. And even though I was a little upset

1 that you already put the fence before getting the  
2 permission, but I think you need the fence, so I  
3 will support your variance request. Thank you.

4 MR. SEARS: I guess I'm  
5 misunderstanding. We do not have a fence up at  
6 this time.

7 MEMBER SAMONA: That's the wrong one.

8 MEMBER SANGHVI: Pardon?

9 MEMBER SAMONA: That's the wrong one.

10 MEMBER SANGHVI: No?

11 MEMBER SAMONA: Wrong house.

12 MEMBER THOMPSON: Do we have any  
13 proposed drawings or materials? I don't see any  
14 in the packet of what you're planning to put up.

15 MR. SEARS: It was just going to be a  
16 six-foot vinyl fence along the -- white vinyl  
17 along that entire stretch there. I didn't have  
18 any photos. It would just be a stock photo of a  
19 white fence, essentially. It's the perimeter  
20 drawing showing where it would be.

21 MEMBER THOMPSON: Okay. So I have --  
22 outside of here I'm in real estate, and I have  
23 like two pieces of commercial property. Both have  
24 to be fenced in by the city codes. One's in the  
25 city, one's in the township. Because one's an

1 equipment rental site, the other one is an outdoor  
2 storage lot. And over the 15-plus years that I've  
3 had these sites, the fences maintain a lot of --  
4 they require a lot of maintenance that I did not  
5 know about until we had one, as far as, you know,  
6 little weeds starting to grow up, not picked, not  
7 sprayed, not taken care of. It is surprising how  
8 big a weed can turn into a tree. And that's when  
9 they start to push fence posts up. They start to  
10 move some siding. Without knowing more of what  
11 you plan to put up, I'd really have a hard time  
12 getting behind this.

13 MR. SEARS: Understandable. I don't  
14 plan on planting any trees that would be that  
15 close to it. I do not want a fence that is going  
16 to be wobbly. I know the ones that you're  
17 referring to. And I also am unsure the exact  
18 details yet, but I would probably want to put  
19 either mulch or gravel underneath, like  
20 immediately underneath the fence so I don't have  
21 to worry about cutting, weed whacking, destroying  
22 the fence. I would want something that's going to  
23 kind of be easier to maintain.

24 MEMBER THOMPSON: The problem I've had  
25 with the sites that we have is same thing, even

1    though you can put mulch down, pea gravel, all the  
2    materials, the weeds still find a way to the  
3    water.  The water finds a way to make the weeds.  
4    And I've just seen a few cases where people  
5    maintain their side of the fence, you know,  
6    they're looking at when they're having dinner and  
7    things of that nature.  Then on the other side,  
8    not willing to keep it maintained and end up being  
9    an eyesore.

10           MR. SEARS:  I can assure you in terms  
11    of myself I am meticulous about maintenance.  My  
12    wife is here.  I am outside pulling weeds by hand  
13    in my brand new sod almost every other day.  I  
14    want this to be -- like I said, one of the reasons  
15    is aesthetics, and I care about how things look  
16    from the outside as well, not just on my end of  
17    the things.

18           CHAIRPERSON MONTAGUE:  I have a  
19    question for the city.  This is at the corner of  
20    two busy streets, and I don't understand totally  
21    how far back it is, but line of sight is really  
22    important because I go through that intersection  
23    that you can see cars coming from the other way.  
24    Has that been addressed or will it be addressed?

25           MR. HALL:  It would need to be

1 addressed. So they would have to show a plan. He  
2 just mentioned there might be mulch involved. We  
3 have to look at right-of-way and where the mulch  
4 would be the right-of-way. We'd have to maybe  
5 push the fence back to make sure it's on his  
6 property. And then we do the actual design of it,  
7 official design. We'll have to look at the site  
8 plans to make sure that there's no violation.  
9 It's 25 foot in both directions, and make sure  
10 it's angled.

11 MEMBER LONGO: So if we were to approve  
12 this, it still goes to the city to be sure that we  
13 have the setback and all the things you just said.

14 MR. HALL: To be clear, there's not  
15 really a building permit required for a fence, but  
16 there is a zoning application he has to do, and  
17 that will cover it there. So we'll look at it  
18 when he does the zone compliance, look at that.

19 MEMBER LONGO: Okay. Thank you.

20 MEMBER KRIEGER: Should we table or  
21 postpone until there's more specific information?

22 MR. HALL: That's up to you.

23 MEMBER LONGO: I would have to kind of  
24 agree with Mike and Linda with it being a special  
25 case. We kind of need to see a little more of

1 what it's going to be, what the appearance is  
2 going to be. It's a high traffic road. So I  
3 understand your problem. There's no doubt about  
4 it. You have a special need, but we need  
5 something to tell us the character of it and all  
6 that for us to, in my opinion, to really make a  
7 good decision here. So I would ask if you would  
8 do some more work and come back and see us.

9 MR. SEARS: Would this be occurring at  
10 the next available meeting?

11 MEMBER LONGO: Yes.

12 MR. SEARS: And who would that be?

13 MR. HALL: Megan.

14 CHAIRPERSON MONTAGUE: Thank you.

15 MEMBER THOMPSON: Just to try to help  
16 you out, we drive by your intersection every day.  
17 Kids go to high school from Ten and Wixom. Got  
18 very familiar with the area. Like material you  
19 plan to use would be helpful, whether you're going  
20 to build it yourself or hire a contractor to build  
21 it would be helpful. Help us to say yes.

22 MR. SEARS: I think that was in the  
23 Cornerstone Fencing. It was a top-rated fencing  
24 company in southeast Michigan.

25 MEMBER SAMONA: I think I share the

1 same sentiment with the Board that I'm not opposed  
2 to a fence, but until we see what that fence is  
3 going to look like, I don't think we'd be doing  
4 our jobs serving the community and granting that  
5 for other guys. I don't think I'm opposed to a  
6 fence. I don't know if anyone is here. But the  
7 style, the design, the architect, the  
8 characteristics of the fence are the unanswered  
9 questions.

10 MR. SEARS: I can get specifics for  
11 that. Are we looking for a rendering or we just  
12 want --

13 MEMBER SAMONA: I think that would be  
14 helpful.

15 MEMBER KRIEGER: Plus landscaping.

16 MEMBER SAMONA: What landscaping will  
17 be around there. Rendering.

18 CHAIRPERSON MONTAGUE: Definitely the  
19 visual, the fence and then the whole plan. If you  
20 can maybe add a few plantings to up the visual a  
21 little bit would be nice.

22 MEMBER PEDDIBOYINA: Basically the  
23 Board members are speaking about the fence, is  
24 this is what we want, speaks to more on this case.  
25 Other than that, there's nothing else I think we

1 can move on the next meeting and you can contact  
2 Megan.

3 MR. SEARS: Thank you.

4 MR. HALL: I guess the next step would  
5 be that you would have to have a motion to  
6 postpone this case, postpone the case to September  
7 9th, which is the next meeting.

8 MEMBER THOMPSON: I would make a motion  
9 that we postpone this case until the September 9th  
10 meeting.

11 MEMBER SAMONA: Second.

12 CHAIRPERSON MONTAGUE: Roll call,  
13 please?

14 MS. NARDONE: Member Samona?

15 MEMBER SAMONA: Yes.

16 MS. NARDONE: Chairperson Montague?

17 CHAIRPERSON MONTAGUE: Yes.

18 MS. NARDONE: Member Sanghvi?

19 MEMBER SANGHVI: Yes.

20 MS. NARDONE: Member Thompson?

21 MEMBER TOMPSON: Yes.

22 MS. NARDONE: Member Peddiboyina?

23 MEMBER PEDDIBOYINA: Yes, please.

24 MS. NARDONE: Member Longo?

25 MEMBER LONGO: Yes.

1 MS. NARDONE: Member Krieger?

2 MEMBER KRIEGER: Yes.

3 MS. NARDONE: Thank you. Motion  
4 carries.

5 CHAIRPERSON MONTAGUE: All right.  
6 We're ready for case number two. PZ25-0036.  
7 Scenic Pines Estates. The applicant is requesting  
8 a variance from the City of Novi Zoning Ordinance  
9 Section 3.28.6.C.iv.a to omit the requirement for  
10 a landscape berm along the east, west and south  
11 property lines. This property is zoned One-Family  
12 Residential (R-4). Somebody here to address the  
13 case, please come forward, state your name and  
14 spell it.

15 MR. DELAPP: Good evening. My name is  
16 Matt Delapp, M-A-T-T, D-E-L-A-P-P.

17 MEMBER LONGO: Matt, are you an  
18 attorney?

19 MR. DELAPP: I'm not.

20 MEMBER LONGO: Do you promise to tell  
21 the truth in this case?

22 MR. DELAPP: I do.

23 MEMBER LONGO: Thank you.

24 MR. DELAPP: I'm with Singh  
25 Development. And I'm here tonight to request a

1 variance, as you said, for our Scenic Pines  
2 Project.

3 CHAIRPERSON MONTAGUE: I'm sorry. Do  
4 you have any visuals you can put on the screen?  
5 That's great. Thank you very much.

6 MR. DELAPP: Yes. I'm here tonight to  
7 request a variance to remove the requirement for a  
8 berm along the west, east and southern property  
9 lines. This variance was actually originally  
10 approved once in 2019 and again in 2024. They  
11 both have lapsed. So I'm here again tonight  
12 requesting the very same variance. I believe we  
13 meet all the criteria set forth by the ordinance,  
14 and I know you have a few to get to after me, so  
15 I'll try to be brief and just run through all the  
16 criteria. First, this property, as you can see,  
17 is surrounded by regulated wetlands and woodlands.  
18 This makes the construction of a berm impractical  
19 along certain property lines, and this condition  
20 is unique compared to the properties.

21 This problem is not self-created. The  
22 hardship stems from the wording in the ordinance  
23 which requires a landscape berm between  
24 residential districts. In this case, although the  
25 surrounding property is zoned residential, it will

1 never be developed as such due to the regulated  
2 wetlands and woodlands. And then also to the  
3 south we have a city park and water plants.

4 Strict compliance with the ordinance  
5 would essentially require us to go into the woods  
6 and cut down trees to build a berm that would  
7 serve as a buffer between our property and  
8 property that will never be developed as  
9 residential. On top of that, it would defeat the  
10 purpose of the cluster housing option development  
11 that we use to develop this property with by  
12 destroying the natural features that it aims to  
13 protect.

14 We're requesting the minimum variance  
15 necessary by maintaining the berm on the northern  
16 property line which protects the existing  
17 neighborhood to the north, and thus, maintaining  
18 the intent of the ordinance.

19 And lastly, granting this variance will  
20 not have an adverse impact on the surrounding  
21 area. In fact, we believe it will do the opposite  
22 by preserving the superior natural environment  
23 which will enhance property values, maintain  
24 neighborhood character of the public safety,  
25 health or welfare. Thank you for your time and

1 your consideration tonight, and I'd be happy to  
2 address any questions or concerns that you might  
3 have.

4 CHAIRPERSON MONTAGUE: All right.  
5 Thank you very much. Is there anyone in the  
6 audience that would like to speak to this? Yes,  
7 sir. Step up, say your name and spell your name,  
8 please.

9 MR. MURLEY. Good evening everybody.  
10 My name is Kevin Murley. I live at 205 Henning,  
11 spelled M-U-R-L-E-Y. In regards to these berms,  
12 have you actually been in that area? Have you  
13 actually walked that property?

14 MR. DELAPP: Yes, sir.

15 MR. MURLEY: You've walked all ten  
16 acres. Do you know how far back it goes?

17 MR. DELAPP: Not really.

18 MR. MURLEY: Okay. Just so you do  
19 know, I do understand that property. I have  
20 before I have explored the property. It is very  
21 wet. I do indeed disagree with you with the  
22 berms. I would say the berms are needed to help  
23 regulate the amount of debris from the housing  
24 that's going to be affiliated with the area. With  
25 that being said, it's also going to affect

1 everybody on both Buffington and Henning  
2 construction-wise and water-wise. So that's all I  
3 have to say. Thank you.

4 CHAIRPERSON MONTAGUE: Thank you.  
5 Anyone else? City?

6 MR. HALL: Thank you, Mr. Chairman.  
7 Yes, they are asking to omit the landscape berm  
8 along the east, west and south property lines.  
9 And this zoning request was granted on November  
10 19th, 2019, which expired, and then also on June  
11 11, 2024, which is expired, and now they're before  
12 you tonight. Thank you.

13 CHAIRPERSON MONTAGUE: Correspondence?

14 MEMBER LONGO: Yes. We mailed out 59  
15 notices. None were returned. There were two  
16 objections and one approval. One of the  
17 objections was my understanding was you're going  
18 to put in a berm, and now you've changed your  
19 mind. And the other objection was the property  
20 nearby the berm will buffer the homes and the best  
21 try to preserve the nature and the settings in our  
22 neighborhood. And one approval.

23 CHAIRPERSON MONTAGUE: All right.  
24 Thank you. Open to the board for discussion.

25 MEMBER SAMONA: Has anything changed

1 with the property since the original approving in  
2 2019, and the most recent one in 2024?

3 MR. DELAPP: No, nothing has materially  
4 changed with the plan.

5 CHAIRPERSON MONTAGUE: Anybody else?  
6 Yes, sir.

7 MEMBER SANGHVI: Well, I know this area  
8 very well and I've driven around a lot of times.  
9 The whole natural topography of that place is such  
10 if you put a berm there, it's going to create more  
11 problems than solve any problems. And so I can  
12 understand your need to award putting in a berm  
13 there. So I can support that. Thank you.

14 MR. DELAPP: Thank you.

15 MEMBER KRIEGER: I can understand the  
16 berm needed at the north end. The question is,  
17 for the topography of the area, the water would go  
18 from South Lake toward the park in the wasteland  
19 area. And then when you build on the site, are  
20 you going to be adding material so that it  
21 continues to -- the water continues in that  
22 direction to the south?

23 MR. DELAPP: Yeah. So the entire  
24 property as engineered, it has its own storm water  
25 detention pond, so the storm water can go to that

1 pond. And then on any lot it will be engineered  
2 accordingly. It's going to vary based on where  
3 you look on the plan where the water is going to  
4 go. But there's certain requirements for storm  
5 water retention and maintenance. So all that is  
6 engineered. I understand that could be a concern,  
7 but it has been adequately engineered, reviewed by  
8 Novi City staff and approved.

9 MEMBER KRIEGER: And the berms to the  
10 east, west and south would create more difficulty  
11 for the water to drain.

12 MR. DELAPP: Potentially. Yes.

13 MEMBER KRIEGER: So I can support your  
14 request.

15 MR. DELAPP: Thank you.

16 CHAIRPERSON MONTAGUE: Any others? All  
17 right. Looking for a motion.

18 MEMBER LONGO: Yes. I move that we  
19 grant the variance in case number PZ25-0036 sought  
20 by Scenic Pines Estates for omitting landscape  
21 berms on three sides of the property because of  
22 this petitioner has shown a particular difficulty  
23 to add the berms and because of water, the water  
24 movement. This property is unique because of the  
25 property drainage and elevation. Without the

1 variance, the petitioner will be unreasonably  
2 prevented or limited with respect to the property  
3 because of the cost and the, again, the flow of  
4 water. That's all.

5 MEMBER PEDDIBOYINA: I second.

6 CHAIRPERSON MONTAGUE: Roll call,  
7 please.

8 MS. NARDONE: Member Krieger?

9 MEMBER KRIEGER: Yes.

10 MS. NARDONE: Member Samona?

11 MEMBER SAMONA: Yes.

12 MS. NARDONE: Chairperson Montague?

13 CHAIRPERSON MONTAGUE: Yes.

14 MS. NARDONE: Member Sanghvi?

15 MEMBER SANGHVI: Yes.

16 MS. NARDONE: Member Thompson?

17 MEMBER THOMPSON: Yes.

18 MS. NARDONE: Member Peddiboyina?

19 MEMBER PEDDIBOYINA: Yes, please.

20 MS. NARDONE: Member Longo?

21 MEMBER LONGO: Yes.

22 MS. NARDONE: Thank you. Motion  
23 carries.

24 MR. DELAPP: Thank you very much.

25 CHAIRPERSON MONTAGUE: All right.

1 PZ25-0039. Sheetz Novi. The applicant is  
2 requesting a variance from the City of Novi Sign  
3 Ordinance Section 28-5(b)(2)a. to be allowed a 40  
4 square foot illuminated ground sign with a  
5 changeable copy portion. 31.8 square feet  
6 allowed, a variance of 8.2 square feet. This  
7 property is zoned General Business (B-3). Someone  
8 here to present the case? Please step forward.  
9 Say your name and spell it, please.

10 MS. GREEN: Hi. My name is Rebecca  
11 Green, and it's spelled R-E-B-E-C-C-A, G-R-E-E-N.

12 MEMBER LONGO: Rebecca, are you an  
13 attorney?

14 MS. GREEN: I am not.

15 MEMBER LONGO: Do you promise to tell  
16 the truth in this case?

17 MS. GREEN: I do.

18 MEMBER LONGO: Thank you.

19 MS. GREEN: This is a sign variance for  
20 Sheetz. The location of 12 Mile and Haggerty.  
21 It's already under construction as we speak. What  
22 we're trying to put together here is a monument  
23 sign that would have the name Sheetz, as well as  
24 the price, the gas prices. I'm just going to pull  
25 that up. It would look like this. It is a

1 typical Sheetz sign in that it features the brick  
2 posts on either side with a brick base. This  
3 brick added is constructed three separate  
4 cabinets, the first being the Sheetz identifying  
5 portion, and then two prices, one for regular  
6 automobile fuel, and one for auto diesel, which is  
7 why it is green because that is the color for  
8 diesel. The changeable copy portion is a 12-inch  
9 numeral. So it would be visible for  
10 maneuverability by drivers to see, to think, to  
11 decide to get into our site at a distance of 120  
12 feet. We do not change those more than once a  
13 day, so they would appear static most of the time.

14 This particular sign is -- I always  
15 have to look. It is -- I have it as 35.196 square  
16 feet, but I thought I heard a different area when  
17 this was discussed. This is measuring the extreme  
18 corners of all of the sign area. There is a  
19 little air space in between the cabinet and the  
20 post on either side of three inches. It's just so  
21 that they can put the electric and the cabinets in  
22 in a centered way.

23 Of course you're aware where this is  
24 and what it looks like with 12 Mile being a very  
25 busy road, fairly high speeds. Haggerty isn't

1 quite as busy. And it has an adjacent property  
2 that is here. You can see there's an access drive  
3 that is there. So we have a small space in which  
4 to put our sign. I'll explain that a little bit  
5 more. Obviously there's a path that goes all the  
6 way around the side, and we need to preserve that  
7 integrity of that path.

8 In this case, we are asking to put the  
9 sign in this little space right here. So it's  
10 very small little thumb of a spot. We want to  
11 preserve this access drive to our neighbor here,  
12 and we want to make sure that we are using an  
13 appropriate sign. The width of that sign because  
14 of the brick posts is a little wider than maybe  
15 some of the other signs I've seen here in the city  
16 for gas price signs, but it is -- we want to be  
17 able to position it in that space behind the  
18 multiuse path preserving that access drive. It's  
19 kind of a cramped location, and still want to be  
20 visible for gas prices for drivers along 12 Mile.  
21 So it's sort of a difficult space.

22 Here's some images of that space. This  
23 one is looking west. Here's a rendering of what  
24 our sign would look like in that space. So it's,  
25 you know, fills the space up, but it is, you know,

1 it's necessary so that the gas prices are visible  
2 to drivers along the road.

3 And so what we're asking for is just  
4 additional area that we need to put the sign in.  
5 We want to be able to communicate our prices,  
6 which is the number one factor of all consumers  
7 when they decide to drive up to our site, and we  
8 want to be able to do that in a way that they can  
9 be seen. And again, this is at a distance of 120  
10 feet is where a consumer can see this and process  
11 that. The cabinet that we've chosen for the top  
12 is our smallest cabinet that we use for these  
13 signs. I'm happy to take any questions you might  
14 have.

15 CHAIRPERSON MONTAGUE: All right.  
16 Anybody in the audience like to speak to this?  
17 Seeing none. City?

18 MR. HALL: Thank you, Mr. Chairman.  
19 Yeah Sheetz has been before us before for zoning  
20 request zone in the front yard, which was granted  
21 on December 10, 2024. And they are seeking for a  
22 size increase for the sign. We do want to do a  
23 little housekeeping on the numbers. She mentioned  
24 that the area of the sign was a little bit  
25 conflict. It does measure to be 35.1 something,

1 so we made it 35.2. So that's the size of the  
2 sign. The advertised variance was 8.2 square  
3 feet, but we looked at some of the ordinance, and  
4 it was actually a clause specifically for gas  
5 stations. It says in Section 28-5(b)(2)(b) states  
6 that a maximum size shall not exceed 30 square  
7 feet. So based on their request of 35.2 square  
8 feet and the maximum size being 30 square feet,  
9 the request is actually for 5.2 square feet, which  
10 is actually less than was advertised.

11 I do have a couple questions for you.  
12 So you said there's three cabinet signs in  
13 combination to make one sign.

14 MS. GREEN: That's correct.

15 MR. HALL: The top sign says Sheetz.  
16 That's an illuminated sign.

17 MS. GREEN: Yes, that's correct. It is  
18 an illuminated sign. Yes.

19 MR. HALL: And there's no animation.  
20 There's no anything for that kind of sign.

21 MS. GREEN: There's no animation.

22 MR. HALL: And then the two signs  
23 below, those are changeable copy signs, meaning  
24 that you can have different prices at whatever you  
25 would like post, but they're mostly numbers,

1 they're not animations, they're not some kind of  
2 graphics that would distract drivers?

3 MS. GREEN: That is correct. They're  
4 not animated signs. And these are gas prices.  
5 They're static for 24 hours a day except for the  
6 possible one second of the day when they change.  
7 Hopefully they don't change too often.

8 MR. HALL: And then both signs are for  
9 gas prices of whatever material you want to show.  
10 They're not for food or anything inside.

11 MS. GREEN: That is correct.

12 MR. HALL: With that, if there's any  
13 questions on the changes of what was requested.  
14 So the request is actually going to be a 5.2  
15 square foot variance. Thank you.

16 CHAIRPERSON MONTAGUE: Correspondence?

17 MEMBER LONGO: Thank you. Yes. We  
18 mailed out 47 notices. Three were returned for  
19 wrong address or whatever. There were no  
20 objections and no approvals.

21 CHAIRPERSON MONTAGUE: Thank you.

22 MEMBER PEDDIBOYINA: Okay. I have a  
23 couple of questions. The previous gas station was  
24 BP?

25 MS. GREEN: I believe.

1 MEMBER PEDDIBOYINA: The sign, as my  
2 city manager was asking, it's not a flashing or  
3 anything.

4 MS. GREEN: No. This will not be a  
5 flashing sign. It will be static most of the time  
6 except for just like one second a day when that in  
7 the morning we change that gas price.

8 MEMBER PEDDIBOYINA: I have no  
9 objection. Thank you.

10 MEMBER SAMONA: I like the ones that  
11 make me work. And first, I used to go to this BP  
12 all the time, and use their car wash all the time.  
13 I'm very familiar with it. I live very close by.  
14 And one of the things in the application that was  
15 submitted is, you have in there that if Sheetz is  
16 not allowed a ground sign with gas prices along  
17 Ten Mile Road, it will be substantially impacted.  
18 Regardless of the ordinances, I don't think anyone  
19 is saying you can't have a sign. I believe we're  
20 here because of the size of the sign.

21 One of the things that I'm really  
22 struggling with on this one is the practical  
23 difficulty. Now, as it relates to the -- as it  
24 relates to the sign, I'm fine with the size of the  
25 sign, but there's a lot of square footage for the

1 surrounding, I guess, brick framework, if you  
2 will. My opinion is that a sign with more mass  
3 than message can dilute the visibility of what's  
4 really intended for the drivers. I think, you  
5 know, it's imperative that the prices be large  
6 enough is what it says on your request, but I  
7 think a lot of the size, a lot of the variance  
8 that's being requested is being attributed to the  
9 frame around this. So that's my -- those are some  
10 of my concerns with this.

11 CHAIRPERSON MONTAGUE: The pylons don't  
12 count in the size of the sign.

13 MR. HALL: That is correct. So just  
14 the sign itself would be the ordinance. The  
15 actual pylons would be an architectural element  
16 for it.

17 MEMBER SAMONA: I apologize. I must  
18 have read it wrong. So my apologies.

19 MS. GREEN: The intention of the brick  
20 is just so we can match it to the building and the  
21 characteristics.

22 MR. SAMONA: I was just trying to test  
23 them out.

24 MS. GREEN: The Sheetz signs do have  
25 that look and so it's kind of part of the brands.

1 MEMBER PEDDIBOYINA: Yes. Nice.

2 MEMBER SAMONA: I just have one  
3 question. Is this going to be open all 24 hours a  
4 day?

5 MS. GREEN: They are open 24 hours a  
6 day.

7 MEMBER SANGHVI: So you will have an  
8 illuminated sign all 24 hours a day.

9 MS. GREEN: It will be illuminated all  
10 24 hours a day, unless there's a code ordinance  
11 that prohibits it that I don't know of.

12 MR. SAMONA: Again, I apologize for  
13 that. I must have misread or misinterpreted.

14 CHAIRPERSON MONTAGUE: Anything else?  
15 I think we're ready for a motion.

16 MEMBER PEDDIBOYINA: I move that we  
17 approve the variance of requested property located  
18 at 39471 Twelve Mile Road Parcel 50-22-13-200-016  
19 located on the southwest corner. That's Section  
20 28-5(b)(2)a, city sign ordinance. The property is  
21 located on the corner intersection of Twelve Mile  
22 and Haggerty, significant traffic flow. The sign  
23 area will increase the approaching scale. The  
24 relief is consistent with the spirit and intent of  
25 the ordinance. Variance does not interfere with

1 adjacent or surrounding properties. The proposed  
2 sign maintains the character of the surrounding  
3 area and consistent with the signs in similarly  
4 zoned businesses. Relief is requested 5.2 square  
5 foot variance. Practical difficulty of the  
6 property on a prominent corner location, and need  
7 a clear visible sign for safety and traffic  
8 compliance with the ordinance. It's not  
9 self-created, the need for the variance. The  
10 layout of the property is not from any action of  
11 the applicant.

12 MEMBER SANGHVI: Support.

13 CHAIRPERSON MONTAGUE: Did you modify  
14 it to 5.2 square foot variance?

15 MEMBER PEDDIBOYINA: Yeah. Thank you.

16 CHAIRPERSON MONTAGUE: Thank you. Roll  
17 call, please.

18 MS. NARDONE: Member Long?

19 MEMBER LONGO: Yes.

20 MS. NARDONE: Member Krieger?

21 MEMBER KRIEGER: Yes.

22 MS. NARDONE: Member Samona?

23 MEMBER SAMONA: Yes.

24 MS. NARDONE: Chairperson Montague?

25 CHAIRPERSON MONTAGUE: Yes.

1 MS. NARDONE: Member Sanghvi?

2 MEMBER SANGHVI: Yes.

3 MS. NARDONE: Member Thompson?

4 MEMBER THOMPSON: Yes.

5 MS. NARDONE: Member Peddiboyina?

6 MEMBER PEDDIBOYINA: Yes, please.

7 MS. NARDONE: Thank you. Motion  
8 carries.

9 CHAIRPERSON MONTAGUE: Next case today,  
10 Z25-0040. Kap and Rich Restaurant Group LLC. The  
11 applicant is requesting a variance from the City  
12 of Novi Zoning Ordinance Section 5.2.12.E for a  
13 reduction in required parking spaces to 103. 105  
14 parking spaces are required, a reduction variance  
15 of 2 parking spaces. This property is zoned  
16 General Business (B-3). Okay. State and spell  
17 your name, please.

18 MR. BONISLAWSKI: Certainly. This will  
19 be the hardest name to spell all evening. Roman  
20 R-O-M-A-N, Bonislawski, B-O-N-I-S-L-A-W-S-K-I.

21 MEMBER LONGO: Roman, are you an  
22 attorney?

23 MR. BONISLAWSKI: I am not.

24 MEMBER LONGO: Do you promise to tell  
25 the truth in this case?

1 MR. BONISLAWSKI: Always.

2 MEMBER LONGO: Thank you.

3 MR. BONISLAWSKI: Thank you. So I'm  
4 happy to appear in front of this board this  
5 evening. We had a very encouraging and successful  
6 Planning Commission meeting recently where we were  
7 approved unanimously. One of the things that were  
8 brought up by the Board members, if this Board has  
9 had the opportunity to read those minutes was that  
10 this is a perfect archetypal example of how you  
11 can take a building that has over time become  
12 distressed and maybe less cared for than it  
13 should. And the opportunity for a new set of  
14 owners that have a very, very successful business  
15 in Commerce Township to come and rework the  
16 restaurant. The rework is extensive, interior and  
17 exterior. As such, I will point out to you that  
18 we had a couple of material waivers that were  
19 approved by the Planning Commission, and the  
20 remaining zoning variance issue is specific to the  
21 fact that is existing building code zoning  
22 ordinance and ADA compliance required. There's  
23 only two current ADA spaces on the project right  
24 now. And within this row of parking, it exceeds  
25 the maximum amount of parking spaces in a row that

1 you can have without the interruption of the tree.  
2 As such, by providing the appropriate number of  
3 spaces for the barrier free parking, which also  
4 include a van accessible space, and by adding a  
5 landscape island to produce a tree within that  
6 long run of parking, those conditions have  
7 resulted in us losing those spaces. And as I  
8 mentioned, if you've had the opportunity to read  
9 the minutes from the Planning Commission meeting,  
10 it was very enthusiastic from our standpoint, and  
11 the Planning Commission's standpoint. And the  
12 opportunity, though some people may be very sad to  
13 see Border Cantina go, what's coming in will be  
14 the highest quality and the opportunity with all  
15 the parking that we have on site, the previous  
16 Commission believed that we were in good position  
17 with regards to this proposed variance.

18 CHAIRPERSON MONTAGUE: Anything else to  
19 add? Okay. Anybody in the audience wish to speak  
20 to this case? All right. Seeing none. City?

21 MR. HALL: Thank you, Mr. Chairman.  
22 Yes, he's coming forward for a dimensional  
23 variance tonight to allow the reduction of two  
24 parking spaces on the existing site.

25 CHAIRPERSON MONTAGUE: Correspondence?

1 MEMBER LONGO: Yes. We mailed out 38  
2 notices. Four were returned. There were no  
3 objections and no approvals.

4 CHAIRPERSON MONTAGUE: Thank you.  
5 Board comments?

6 MEMBER THOMPSON: This is more for the  
7 city. How did the number like 105 parking spaces,  
8 was that based on how many tables there were in  
9 the restaurant?

10 MR. HALL: Yes.

11 MEMBER THOMPSON: We're in the process  
12 of redoing our kitchen. Have been for a month too  
13 long and month away. I'm sure the ordinance was  
14 probably written before DoorDash and Uber Eats and  
15 some of those things, so I'd have no problem  
16 understanding the times have changed and two less  
17 parking spots is going to be okay.

18 MEMBER SANGHVI: I have known this  
19 property for many years, and I used to love to  
20 come to the Border Cantina and all of the  
21 beautiful Mexican food we have enjoyed there in  
22 the past. I know you just need a variance for  
23 only two spots. I have no problem because it was  
24 just never completely full anyway, so there won't  
25 be any change to it anyway.

1 MS. FLETCHER: It will be full.

2 MEMBER SAMONA: The parking lot not  
3 being full might have something to do with Border  
4 Cantina.

5 CHAIRPERSON MONTAGUE: Anyone else?

6 All right.

7 MEMBER SAMONA: Mr. Chair, I move that  
8 we grant the variance in case PZ25-0040 sought by  
9 Kap and Rich Restaurant Group LLC for a reduction  
10 in the number of parking spots from 105 to 103,  
11 which is a total reduction of two parking spots  
12 because the petitioner has shown practical  
13 difficulty requiring a small reduction and  
14 required parking to allow for building expansions.  
15 Without the variance, the petitioner will be  
16 unreasonably prevented or limited with respect to  
17 the use of the property because the enclosed patio  
18 and additions cannot be accommodated without  
19 slightly reducing the parking and redesigning the  
20 entire site, which would, in turn, make this  
21 unrealistic. The property is unique because it is  
22 already a developed commercial parcel with limited  
23 land area for building expansion. The petitioner  
24 did not create the condition because the parking  
25 lot and site were established under prior site

1 plans and approvals. The relief granted will not  
2 unreasonably interfere with adjacent or  
3 surrounding properties because the two parking  
4 spot reduction will have a negligible impact on  
5 parking availability. The relief is consistent  
6 with the spirit and intent of the ordinance  
7 because it maintains safe and adequate parking  
8 while allowing reasonable improved and continued  
9 use of the property.

10 MEMBER SANGHVI: Second.

11 CHAIRPERSON MONTAGUE: Thank you. Roll  
12 call, please.

13 MS. NARDONE: Member Peddiboyina?

14 MEMBER PEDDIBOYINA: Yes, please.

15 MS. NARDONE: Member Longo?

16 MEMBER LONGO: Yes.

17 MS. NARDONE: Member Krieger?

18 MEMBER KRIEGER: Yes.

19 MS. NARDONE: Member Samona?

20 MEMBER SAMONA: Yes.

21 MS. NARDONE: Chairperson Montague?

22 CHAIRPERSON MONTAGUE: Yes.

23 MS. NARDONE: Member Sanghvi?

24 MEMBER SANGHVI: Yes.

25 MS. NARDONE: Member Thompson?

1 MEMBER THOMPSON: Yes.

2 MS. NARDONE: Thank you. Motion  
3 carries.

4 CHAIRPERSON MONTAGUE: Next case  
5 tonight. PZ25-0041. Shelley Wagnon. The  
6 applicant is requesting a variance from the City  
7 of Novi Zoning Ordinance Section 5.11.1.A.ii to  
8 allow a fence in the exterior side yard setback  
9 not permitted for this property. This property is  
10 zoned One-Family Residential (R-3).

11 MS. WAGNON: Hi. My name is Shelley  
12 Wagnon. It's S-H-E-L-L-E-Y, W-A-G-N-O-N.

13 MEMBER LONGO: Shelley, are you an  
14 attorney?

15 MS. WAGNON: No, I'm not.

16 MEMBER LONGO: Do you promise to tell  
17 the truth in this case?

18 MS. WAGNON: I do.

19 MEMBER LONGO: Thank you.

20 CHAIRPERSON MONTAGUE: Present your  
21 case, please.

22 MS. WAGNON: Thank you. We're here  
23 today to request a variance for a fence extension  
24 in our exterior side yard to provide a safe,  
25 functional space for our children. This is an

1 overhead view of our home. Our circumstances have  
2 changed since we purchased the home, now with  
3 three young children ages two, six, and eight and  
4 a small dog. This request is about the safety of  
5 our children, dog, and the ability to enjoy our  
6 home in a way that is both fair and reasonable.  
7 I'm going to address each standard as I've  
8 addressed them in our appeal and discuss a little  
9 bit about some miscommunications that took place  
10 between the city, our contractor and so forth that  
11 led to our fence actually being built before this  
12 variance process.

13 Our home sits on a corner lot right at  
14 the busy entrance to the subdivision, and our  
15 backyard is almost, as you can see in this photo,  
16 taken entirely up by a pool and a cement patio.  
17 It was installed by the previous owners and we  
18 purchased the home like this.

19 In addition, we sit at the entrance to  
20 the subdivision with two very busy streets and no  
21 sidewalks, which makes it unsafe for our children  
22 to play in the front side yard or side yard  
23 because it is so close to the road and entrance to  
24 the subdivision. When we bought the home, we  
25 didn't fully realize how the lack of sidewalks

1 would impact safety. Since we didn't have kids at  
2 the time, we never thought about sidewalks.

3 The area where we extended the fence is  
4 tucked behind the back of our home far from the  
5 street and does not block visibility for drivers.  
6 The standard issue was not self-created as these  
7 conditions existed when we bought our home prior  
8 to having children.

9 In addition, during the process before  
10 we built the fence, we were working with a  
11 contractor on a landscaping project to reduce the  
12 depth of our pool. We opened it last year and had  
13 a giant hole in it and decided we didn't want a  
14 nine-foot deep pool anymore with three small kids.  
15 We were reducing it to five feet deep for safety.  
16 During that work we had to remove some fence  
17 panels, which led to a conversation with our  
18 contractor about possibly bumping out that fence  
19 to give us an actual yard for our kids to play in  
20 and be outside more, especially in the fall and  
21 the spring when the pool is closed and there's  
22 literally just a hole in the cement in our back  
23 yard for them to play in.

24 The contractor then reached out to the  
25 city on our behalf about this extension. The

1 contractor told us that when he spoke with the  
2 city code enforcement, he explained our lot layout  
3 and confirmed our address so they could find it on  
4 Google Maps. He said the ordinance officer told  
5 him that we were able to extend the fence three  
6 panels, which is about 24 feet into the side yard  
7 as long as it stayed behind the house and 15 feet  
8 from the street, and no permit was needed. We  
9 later chose to install this fence ourselves due to  
10 cost factors, which is why the contractor is not  
11 here speaking with us here today. We relied on  
12 that information in good faith. We didn't have  
13 any reason to think that they didn't give us the  
14 correct information back. And we did double check  
15 and looked at the residential fence requirement  
16 document on the website, on the City of Novi  
17 website, which didn't at the time talk about  
18 exterior side yards. It has been updated as of  
19 August 5th and now has that information in there.  
20 But at the time we looked at that, thought it  
21 matched what he was saying and moved forward with  
22 building the fence.

23 We learned that our corner lot is  
24 considered to have double frontage after a code  
25 compliance officer came to our house when the

1 fence was already built. So we had moved forward  
2 thinking we were following all the rules. There  
3 was no ill intent. We thought we were doing  
4 everything right and had done our due diligence.

5 At a later date when I was speaking  
6 with a different code compliance officer, I found  
7 out the actual term for this yard is called the  
8 exterior side yard, which is not what was  
9 explained to me prior to. But during or many  
10 communications with the different code officers  
11 and the documents online, and in the violation  
12 notice we received, there's been many  
13 inconsistencies in the wording used to describe  
14 our lot, which just has added to the confusion and  
15 difficulty we've experienced in this entire  
16 process.

17 This was an honest miscommunication  
18 between the contractor, the city and us, and it  
19 was never an attempt to sidestep ordinances. We  
20 would have done this process first, trust me, over  
21 doing this right now, if we had done it up front.  
22 So never intended to do anything outside of the  
23 rules.

24 With strict compliance of the setback  
25 in our yard, this variance -- approving this

1 variance, our yard would not be functional for one  
2 of the most basic residential purposes, giving our  
3 kids a safe place to play outside. There's simply  
4 no other location for us to because both of yards  
5 abut the street. There's nowhere for us to let  
6 them be outside and play safely.

7           So minimum variance necessary. Our  
8 goal is to give the kids a safe place. We  
9 believed we were working fully within the city's  
10 guidelines when we decide on our fence placement.  
11 We did extend three panels out to the side yard  
12 and the extension remains completely behind the  
13 rear of our house with a 22-foot buffer and a  
14 six-foot setback from our property line. Based on  
15 our original communication through the contractor,  
16 we thought we were actually going above and beyond  
17 the 15-foot requirement to the street, so we  
18 thought we were doing more than we were required.  
19 Obviously, we found out now that is not accurate,  
20 but that was our intent when we put the fence up.  
21 We thought we were going above and beyond the 15  
22 feet required.

23           It does match our existing fence that  
24 was put there by the previous owners. We used the  
25 same materials. We just extended it out. So

1 there's no negative impact on the neighborhood as  
2 the fence is entirely within our own property. It  
3 doesn't affect traffic visibility, neighbors'  
4 views. It actually improves safety around our  
5 pool and provides more privacy and security for  
6 our family.

7 Many of our neighbor's actual support  
8 it, understanding the safety issue. And in the  
9 packet originally there were a few letters of  
10 support, and we have one of the neighbors here  
11 tonight supporting us. And once we know the  
12 outcome of this appeal, we have every intention to  
13 paint the fence fully so it's all one color that  
14 matches, and do some landscaping around the fence.  
15 But until this was done, we didn't want to put  
16 anymore money as we've already invested a lot of  
17 money and time into this project.

18 I can show you a picture, it's in the  
19 packet, just so you can see what the fence looks  
20 like. Our yard is quite tore up. The very large  
21 landscaping project we did kind of destroyed our  
22 yard, and we did not know how bad it was going to  
23 be. And then trying to grow grass in the summer  
24 has been a miserable effort that we are continuing  
25 to do, and are hoping the fall will allow us to

1 get better grass in these areas. So you can see  
2 here's another picture from the back angle. You  
3 can see the fence is currently two different  
4 colors, but it will all be painted one solid  
5 color.

6 I want to address the HOA concerns that  
7 were brought forward in a letter opposing this.  
8 Our HOA does not regulate fences. They don't  
9 approve or deny fences. We did not have to speak  
10 to them. We never did discuss it with them by  
11 their bylaws. We want to address the concerns  
12 that they've brought forward. One of the main  
13 concerns they have is this could set a precedent  
14 for other corner lot properties in our subdivision  
15 for installing a large fence. There are a few  
16 reasons we don't see this as an issue. First, our  
17 understanding of the ZBA is that you don't take  
18 precedent into account when making your decisions,  
19 so each case would have to be reviewed on a  
20 case-by-case basis. And second, there are already  
21 a few homes in our neighborhood that have fences  
22 that go into the exterior side yard. One of these  
23 fences is similar situation to us. It has a pool.  
24 I did include it in my original packet and  
25 Appendix B where I provided some samples in the

1 City of Novi that had a pool in a corner lot in  
2 same situations. It is 44949 Hunting Cross Drive.  
3 It's included in Appendix B. This map here I  
4 added today and it got put in the record. It does  
5 show that their house is similar to ours, but not  
6 close to that to the neighborhood like ours is.  
7 So being right at the entrance of the  
8 neighborhood, people just zip in there going so  
9 fast both directions, and they don't have that  
10 same concern. So it's just an additional safety  
11 concern for us and our kids.

12 We reviewed all of the other corner  
13 lots in our neighborhood and we cannot find a  
14 single one that meets the same restrictive  
15 condition as ours. We have a preexisting pool  
16 right at the entrance of the neighborhood with  
17 higher than average traffic. So we believe our  
18 situation is unique and precedent only becomes an  
19 issue if other properties can reasonably claim the  
20 same hardship, and in this case, that is not  
21 likely.

22 The other concern they raised was the  
23 importance of protecting property values. And  
24 while we understand this, our fence is set back,  
25 far back, matches the style of our home, will be

1 complemented with landscaping, and improves safety  
2 and privacy without blocking views or distracting  
3 from the character of the street or the  
4 neighborhood. We've talked to a well respected  
5 and well-known real estate agent in Oakland County  
6 discussing property values and this fence. He  
7 does not believe there will be any impact. He  
8 actually said it will probably make our home more  
9 appealing to those families, and kids, and pets  
10 and thing like that. So that is that.

11 So I just want to reiterate, we've done  
12 everything with good intentions. We did not try  
13 to sidestep any rules. We've invested a lot of  
14 time and money and truly believed we were doing  
15 the right thing here. So this fence extension is  
16 just about giving our kids a safe place to play  
17 and to be outside. That's a battle we have to get  
18 them outside and active. So we respectfully ask  
19 that you grant the variance. And I'm happy to  
20 answer any questions you have. My husband is here  
21 as well if you have any additional questions.

22 CHAIRPERSON MONTAGUE: Any comment from  
23 the audience? Yes, sir. Come up to the podium,  
24 please.

25 MR. BENDER: I'm Tom Bender. I live

1 directly across the street.

2 MEMBER LONGO: Excuse me, Tom. Spell  
3 your name.

4 MR. BENDER. T-O-M, B-E-N-D-E-R.

5 MEMBER LONGO: Tom, are you an  
6 attorney?

7 MR. BENDER: No.

8 MEMBER LONGO: Do you promise to tell  
9 the truth in this case?

10 MR. BENDER: Yes.

11 MEMBER LONGO: Thank you.

12 MR. BENDER: I live directly across the  
13 street right where you enter the sub as well. I  
14 have no issue at all with the fence. I submitted  
15 a letter as well. You should have, yep, right  
16 there. I have young kids myself. People do zip  
17 in and out. It's scary, you know. So we put up a  
18 fence as well five years ago. But -- so we were  
19 deathly afraid because your kids will just bolt  
20 out, you know. They don't always listen,  
21 especially when they're young. So, you know, your  
22 heart sinks when your kids does that and doesn't  
23 listen and cars coming 30 miles an hour through  
24 your sub, you know. So I have a dog as well, so I  
25 have those same worries that they have, and I

1 supported them, you know, that, you know, that's a  
2 good idea to keep your family safe. So I think  
3 it's a good thing.

4 CHAIRPERSON MONTAGUE: All right. Any  
5 other in the audience. City?

6 MR. HALL: Thank you, Mr. Chairman.  
7 Yes they're seeking a dimensional variance tonight  
8 to place a fence on the exterior side yard and the  
9 front side yard or front yard setbacks. The  
10 ordinance doesn't allow opaque or a fence designed  
11 with transparency, neither up front or the  
12 exterior side yard. And this is not a common  
13 thing. It's in a subdivision. So even though  
14 it's mentioned there was one possible situation,  
15 this is unique in its character. The HOA has  
16 communicated to our department strong concerns for  
17 the fence. I don't see anyone here tonight. But  
18 this is a single lot. It's not a precedence  
19 thing. We look at individual lots the case  
20 present themselves for that. There is a fence.  
21 We've already seen it, obviously. Code  
22 enforcement has put enforcement on this as a  
23 violation, and that's why they're here tonight. I  
24 do have a question for you. So the fence itself,  
25 is the top rail level or does it go up and down.

1 MS. WAGNON: So our lot is incredibly  
2 unlevel. We had no idea our lot was in terms of  
3 like the level of our land. So to make the tops  
4 level, the one part of the fence would have been  
5 two and a half feet off the ground. We did pay  
6 for the landscaping company to put tons and tons  
7 of soil in our backyard to level it, and that cost  
8 about \$3,000, and it didn't get it level enough.  
9 I think it will cost us like 8,000 more dollars to  
10 get it level enough so we could get the tops  
11 matching. So we did our best to step it, to tier  
12 it. But we used panels of fencing, not individual  
13 pieces. So there wasn't a way to make them all  
14 level without having massive gaps at the bottom.  
15 We put the fence up and took multiple pieces down  
16 so many times trying to make it look the best and  
17 keeping it level, and we've bought 20-pound bags  
18 of topsoil so many times to try and get it level,  
19 but if we made them all level at the top, this  
20 whole end of the fence would be two and a half  
21 feet off the ground, and my children would just  
22 escape underneath it. My two year old who escapes  
23 everything. This part right here and over here  
24 would totally be entirely off the ground.

25 MR. HALL: When the fence raises up,

1 does it exceed six feet?

2 MS. WAGNON: No. Some of them are  
3 lower than six feet actually because they're  
4 six-foot tall panels and we dug in the ground to  
5 stick some down. From the actual ground at where  
6 the fence is up, they're all six feet panels. So  
7 none of them are above six feet.

8 MR. HALL: And then looks like there's  
9 a gate that's in the front. Is that true?

10 MS. WAGNON: Yes. Right here is the  
11 gate. It's kind of this direction. Can't fully  
12 see it. That goes into the backyard. That was a  
13 gate that was already there. We just built the  
14 fence out from the -- next to the gate.

15 MR. HALL: Is there a closer on the  
16 gate? You mentioned safety.

17 MS. WAGNON: Yes.

18 MR. HALL: So it can't remain open. It  
19 has to be closed.

20 MS. WAGNON: Yes with the spring it  
21 pops closed.

22 CHAIRPERSON MONTAGUE: Correspondence?

23 MEMBER LONGO: Yes. We mailed out 83  
24 notices. Seven were returned. There were three  
25 approvals, including Thomas, and two other

1 neighbors. There was one objection, which we know  
2 about, which was the Dunbarton Planning Board of  
3 Directors. I'm not going to read the while thing,  
4 but essentially said we don't see any reason for a  
5 variance.

6 MEMBER SAMONA: I drove by this  
7 property, and I know this subdivision very well.  
8 And just for the record, I was not the very well  
9 respected Oakland County Realtor that she spoke  
10 to. I'm in real estate. I know the subdivision  
11 well. I can understand the need for a variance,  
12 unless I read it wrong. I think it was extremely,  
13 extremely, extremely excessive as far as how far  
14 it went out. I guess a couple other questions  
15 that I'm going to have, and some of them may be  
16 for you, some of them may be for some of my  
17 colleagues if they have any questions, is, first,  
18 is it possible to put a foundation or something at  
19 the bottom of the fencing, that way the height of  
20 the fencing is uniform throughout, or is that  
21 just -- is that not realistic? Also, in the event  
22 we were to approve this, are we to consider the  
23 color that it would be painted, or no? And also,  
24 can we require screening around it because of how  
25 far off the building and below the house that the

1 fence comes?

2 MR. HALL: Chairman, can I answer that?  
3 So you're going to decide as a Board that if the  
4 fence is allowed and the design of it. Your  
5 intention is that the fence doesn't exist. So if  
6 you want to pull back, if you want to say no, if  
7 you want to leave it the way it is, you have that  
8 power. So because the fence is standing shouldn't  
9 have bearing on whatever decision you make.

10 MEMBER SAMONA: So we could require  
11 screening on it.

12 MR. HALL: You can require anything you  
13 want.

14 MS. WAGNON: By screening, you mean see  
15 through it?

16 MEMBER SAMONA: I'm just talking out  
17 loud.

18 MS. WAGNON: We were talking about  
19 still doing landscaping.

20 MEMBER SAMONA: Landscaping around it  
21 to block the fence, arborvitaes, something.

22 MS. WAGNON: We've looked at different  
23 options, and a lot of things like arborvitaes are  
24 incredibly expensive. With a pool you still have  
25 to have a fence. So we talked about options of

1 putting arborvitaes farther out, and then keeping  
2 the fence as it was, then we can't see through our  
3 fence, and arborvitaes still don't protect the  
4 kids and keep them safe in the yard.

5 MEMBER SAMONA: Not instead of. In  
6 front of the fence to block the view of the fence  
7 from the street.

8 MS. WAGNON: Financially I just don't  
9 think that's a thing. \$13,000 is the estimate in  
10 price years ago, like seven years ago. That was  
11 just one side. That would probably cost us 30  
12 grand to put arborvitaes.

13 MEMBER SAMONA: Again, I'm just talking  
14 out loud.

15 MS. WAGNON: I agree. I see what  
16 you're saying. Color, we haven't decided on a  
17 color because we didn't move any farther. The  
18 color they originally had our fence people before  
19 us painted it. It's kind of like an orange brown  
20 that we do not like. So we're open to ideas on  
21 color and we were planning on the whole long side  
22 of the fence adding some bushes and things but not  
23 the height of the fence. Maybe like half the  
24 fence to try and make it look more flush.

25 MEMBER SANGHVI: Thank you. I came and

1 visited your place the other day. Looked around.  
2 I had some thoughts very similar to my colleague  
3 here. And then I asked myself a single question.  
4 If they were my grandchildren, what would I do? I  
5 want to save them and safe living there. So I  
6 have no problem whatsoever with the fence there.  
7 I am glad you are doing it. And the safety of  
8 your children is far more important than anything  
9 else. I know we have a problem when you have a  
10 corner lot and two front yards and all kind of  
11 things. Sometimes we need to really look at some  
12 of these ordinances and make it more humane than  
13 what they are, but that's another story. But I  
14 have no difficulty in supporting your request  
15 because I put myself, what would I do for my  
16 grandchildren, and the answer is very simple.  
17 Thank you.

18 MEMBER SAMONA: May I add one thing,  
19 Mr. Chair?

20 CHAIRPERSON MONTAGUE: Sure.

21 MEMBER SAMONA: And I'll add this. One  
22 of the things I look at when I'm showing  
23 properties to a client that have a pool that are  
24 fenced in, I do look at the fact and consider  
25 gosh, I wish the fence was pushed out a little bit

1 to allow for more space in the backyard because I  
2 don't know that it's realistic to think that hey,  
3 if you really want to play in the yard, and if the  
4 fence was tighter in, go outside of the fence area  
5 and play in the yard. So I do wonder, I do wonder  
6 the same thing. But I do want to defer to any of  
7 my colleagues about anything with color or what  
8 your thoughts are on that or if we don't take a  
9 position on that.

10 MEMBER KRIEGER: I drove by as well,  
11 and when you're coming from White Pines east, the  
12 trees along the road help mask its visibility.  
13 When it came around back, from the back, you could  
14 really like oh, wow, there's this fence there.  
15 And I saw all the, as you say, the grass has been  
16 beat up from renovating your pool, that you said  
17 that you're going to re-stain it or make it  
18 aesthetically pleasing plus put in landscaping.  
19 And then considering the speed of drivers these  
20 days and more dense city that we have now that I'm  
21 totally supportive of what you're looking for.

22 MS. WAGNON: Thank you.

23 CHAIRPERSON MONTAGUE: Yes, sir.

24 MR. HALL: Thank you, Mr. Chairman. I  
25 don't want to add to this, but you can't use cost

1 as a determination for your decision, so if you  
2 want to add landscaping, you have that right.  
3 Thank you.

4 MEMBER SAMONA: And just for  
5 clarification, I wasn't specifically talking about  
6 arborvitaes. I was talking about any type of  
7 tree. I just said arborvitaes.

8 CHAIRPERSON MONTAGUE: I think it's  
9 similar to what we talked about earlier. Nobody,  
10 I don't think, has a problem with you for the  
11 fence for the security of your children, but we  
12 need to see what it's really going to be. Are you  
13 going to add landscaping? Are you going to paint  
14 it? It's a very -- we need to see the final  
15 product whether that's some kind of drawing or  
16 imposing bushes on there or something. Once  
17 again, we're asked to make a decision on something  
18 that could sit there unfinished. You have to look  
19 at our position. We can't do that. We can't make  
20 a decision on something that's unfinished. It's  
21 unfortunate that it's up and we won't hold you  
22 accountable for that. I know there's  
23 miscommunication there, but I still think we need  
24 to see something that tells us what the finished  
25 product is going to look like. If it wasn't even

1 there, we would be asking what the finished  
2 product is going to look like. So I think it's  
3 very similar in the sense of my feeling is that  
4 you should come back with a better idea of what  
5 the finished product is going to look like and we  
6 can make a better determination. We don't have  
7 any problem with the safety. It's obviously an  
8 issue. We're all for that. But it's hard to make  
9 a decision based on what we're looking at in that  
10 picture and what we saw when we drove around. So  
11 if it were me, I'd be recommending we postpone to  
12 the next meeting and you can come back with some  
13 more definition of what you're going to put in  
14 front of it, what color you're going to paint it  
15 so that we can make an informed decision on the  
16 final product.

17 MEMBER SAMONA: And if you're I guess  
18 having difficulty with drawing it up or finding  
19 someone to draw it up, off topic, there's an app  
20 called Fiverr. You can send them a picture, pay  
21 them like \$12 and tell them what color you want  
22 the fence and what you want around it, and they'll  
23 send it back to you in like two days. It's  
24 incredibly cheap. I wouldn't have an issue  
25 granting it, I just don't know that I want to say

1 okay, grant it. Go ahead and do whatever you want  
2 with the color and then it turns out being bright  
3 orange and then I'm not the most respected Realtor  
4 in Oakland County after that.

5 MS. WAGNON: No, that's fine, if that's  
6 what you guys are going to decide to do. We would  
7 have done that and finished the fence had we not  
8 had to go through this process. Like our intent  
9 was to do all that and you would have saw a final  
10 product. We were just worried that --

11 MEMBER THOMPSON: Incredible  
12 presentation, right? Like we said, we're missing  
13 this is what the finish line looks like piece. Is  
14 there a building material -- in the City of Novi  
15 if you put a residential fence, does it have to be  
16 laminate? Does it have to be vinyl? Can it be  
17 anything?

18 MR. HALL: So no. There's a property  
19 maintenance ordinance that would kick in. So if  
20 they used wood, you'd have to maintain. If you  
21 use vinyl, you have to maintain. If you want  
22 stone, you have to maintain. Just going through  
23 proper maintenance.

24 MEMBER THOMPSON: If there was then,  
25 just so they had all the information to bring it

1 back.

2 CHAIRPERSON MONTAGUE: Anyone else?

3 MEMBER PEDDIBOYINA: Thank you, Chair.  
4 Shelley, you did a wonderful presentation. And  
5 also your neighbors also gave a good thing,  
6 speeding and the safety of the kids, as my fellow  
7 board members also mentioned. The previous case  
8 my fellow Board members also mentioned the fence,  
9 this previous fence case. This case also the  
10 color fellow Board members mentioned. So we have  
11 no objection in this case. But there is only one  
12 concern apart from that. No objection to that  
13 case. Thank you. Sent.

14 CHAIRPERSON MONTAGUE: Good now.

15 MEMBER SAMONA: Mr. Chair, I'd like to  
16 make a motion to postpone this until the September  
17 9th, 2025 meeting.

18 MEMBER KRIEGER: Second.

19 CHAIRPERSON MONTAGUE: Roll call,  
20 please.

21 MS. NARDONE: Member Thompson?

22 MEMBER THOMPSON: Yes.

23 MS. NARDONE: Member Peddiboyina?

24 MEMBER PEDDIBOYINA: Yes, ma'am.

25 MS. NARDONE: Member Longo?

1 MEMBER LONGO: Yes.

2 MS. NARDONE: Member Krieger?

3 MEMBER KRIEGER: Yes.

4 MS. NARDONE: Member Samona?

5 MEMBER SAMONA: Yes.

6 MS. NARDONE: Chairperson Montague?

7 CHAIRPERSON MONTAGUE: Yes.

8 MS. NARDONE: Member Sanghvi?

9 MEMBER SANGHVI: Yes.

10 MS. NARDONE: Thank you. Motion

11 carries.

12 CHAIRPERSON MONTAGUE: All right. Last  
13 case of the night. PZ25-0045. Pottery Barn. The  
14 applicant is requesting a variance from the City  
15 of Novi Sign Ordinance Section 28-5(b)(1)a to be  
16 allowed a 93 square foot internally illuminated  
17 wall sign with halo lighting. 60.63 square feet  
18 allowed. Variance of 32.37 square feet. This  
19 property is zoned Regional Center (R-C).

20 MR. BONGIORNO: Good evening every  
21 member of the Board. My name is Bob Bongiorno.  
22 B-O-N-G-I-O-R-N-O. Bongiorno. I'm here on behalf  
23 of --

24 MEMBER LONGO: Excuse me. Are you an  
25 attorney?

1 MR. BONGIORNO: No, I'm not.

2 MEMBER LONGO: Do you promise to tell  
3 the truth in this case?

4 MR. BONGIORNO: I do.

5 MEMBER LONGO: Thank you.

6 MR. BONGIORNO: I'm here on behalf of  
7 Pottery Barn requesting some additional square  
8 footage for a wall sign. We're requesting an  
9 additional 32.7 square foot of square footage from  
10 the allowable 60.6 square feet wall signage.  
11 We're requesting additional square footage based  
12 upon the unique shape of 12 Oaks Mall, and with  
13 the anchor stores that are so huge and they  
14 project so far out from other smaller spaces such  
15 as Pottery Barn. We'd like to get additional  
16 signage square footage to make it more visible for  
17 the flow of traffic inside the parking lot of 12  
18 Oaks Mall. That tenant space for Pottery Barn is  
19 670 feet from the road when you drive through 12  
20 Oaks Mall. So our request for 32 additional  
21 square feet really isn't a huge request for more  
22 square footage based upon the visibility for that  
23 tenant spaces, how they're recessed back, and the  
24 anchor store next to it, Sears, project a lot  
25 further out. So they're losing a lot of

1 visibility with traffic flowing through the mall  
2 drive. So any questions?

3 CHAIRPERSON MONTAGUE: Okay. That's  
4 good. Anybody in the audience like to speak to  
5 this? City?

6 MR. HALL: Thank you, Mr. Chairman. Do  
7 you have graphic to put up to show the Board?

8 MR. BONGIORNO: Here is the overhead  
9 aerial of the tenant space next to Sears, and  
10 here's the roadway, which is 670 feet back. As  
11 you can see, the anchor store blocks a lot of the  
12 view of traffic coming around the parking lot here  
13 with it being so reset back with other stores that  
14 are projected outward. The frontage of the store  
15 has 1,600 square foot of frontage. We're only  
16 requesting 32 additional square feet onto that  
17 facia area of that building, the store front,  
18 which is really only the size of a piece of  
19 plywood four by piece of plywood.

20 So if you look at the store front, it  
21 is relatively a small store front based -- I mean  
22 compared to other anchor stores in that area,  
23 especially being next to Sears. So we're  
24 requesting to stay a little bit more square  
25 footages they would like to get a little bit more

1 visibility there. Like I said, we're only looking  
2 at 32 square feet. That's only one piece of  
3 plywood on that 1,600 square foot frontage in that  
4 building. So I don't think the request from the  
5 variance is a lot with additional square footage  
6 being asked for.

7 I'd like to also state that it's nice  
8 that municipalities do want to help brick and  
9 mortar stores as much as they possibly can. You  
10 probably see other malls in other cities being  
11 torn down that tenant, and keeping tenants in some  
12 of these malls are hard to do these days with  
13 Amazon and online shopping. It's good to know  
14 that municipalities in which the malls are  
15 located, they want to work with the tenants to  
16 help them strive in the malls, in the brick and  
17 mortar stores.

18 MR. HALL: Further questions. So based  
19 on the graphic you're showing there, are the  
20 letters internally lit or just a halo lighting?

21 MR. BONGIORNO: Internally and halo  
22 lit. So they're going to be front lit and have a  
23 little glow of halo lighting behind them.

24 MR. HALL: Is the lighting animated in  
25 such a way where it blinks, shakes, moves around

1 animation to the light?

2 MR. BONGIORNO: Does not.

3 MR. HALL: Is the halo lighting a white  
4 light that doesn't change the background color all  
5 night?

6 MR. BONGIORNO: No, it does not. It's  
7 a solid color.

8 MR. HALL: So it's not a logo color,  
9 it's just white light.

10 MR. BONGIORNO: Yes.

11 MR. HALL: Yes. So he's asking for a  
12 32.37 square foot variance tonight.

13 CHAIRPERSON MONTAGUE: Is that going to  
14 be an outline of all of the letters? Is that how  
15 that works?

16 MR. HALL: It actually includes the  
17 halo lighting as a policy. We have an equation  
18 for that. So that number is chosen by a distance  
19 from the road, and then the halo lighting has a  
20 bit of equation for that too as best we can. So  
21 it's a sum of the sign.

22 MEMBER SAMONA: So it's factoring in  
23 the spacing between the letters.

24 MR. HALL: That's correct.

25 MEMBER SAMONA: Got it.

1 CHAIRPERSON MONTAGUE: Correspondence?

2 MEMBER LONGO: Yes. We mailed out 44  
3 notices. Seven were returned. There were no  
4 objections and no approvals.

5 MEMBER THOMPSON: We're familiar with  
6 the site. And that was the old California Pizza  
7 Kitchen, right?

8 MR. BONGIORNO: I believe so.

9 MEMBER THOMPSON: Is Pottery Barn  
10 currently in the mall or they're moving to the  
11 mall new?

12 MEMBER KRIEGER: It's somewhere in  
13 there. There's a Pottery Barn somewhere.

14 MR. HALL: It's in the mall. It's  
15 moving over. So they're taking two spaces. So  
16 California Pizza is one size. There's another  
17 kitchen store in front of that. That's being  
18 combined with one store, and they're moving over  
19 to it now.

20 MEMBER THOMPSON: How far it's away and  
21 where it's at, I have no problem approving that.

22 MEMBER SAMONA: Just for clarification,  
23 Alan. If all of the letters were scrunched  
24 together, then they wouldn't need a variance.  
25 It's only because the letters are spaced out,

1 obviously, that they need the variance, right?

2 MR. HALL: Yes. It's the design  
3 intent.

4 MEMBER SAMONA: I would have absolutely  
5 no problem with this as long as we could hide it  
6 from my mom that this place is open.

7 CHAIRPERSON MONTAGUE: Anybody else.

8 MEMBER KRIEGER: I drove by and I saw  
9 the Pottery Barn sign that was out there. And  
10 then behind it was some wood that looked like the  
11 peak. Is that a true rendering that it's going to  
12 be?

13 MR. BONGIORNO: Of the build-out?

14 MEMBER KRIEGER: Yes.

15 MR. BONGIORNO: Yes. What you're  
16 looking at now is the rendering of the build-out  
17 of the storefront.

18 MEMBER KRIEGER: Okay. Thank you.

19 CHAIRPERSON MONTAGUE: All right,  
20 Linda.

21 MEMBER KRIEGER: I move that we grant  
22 the variance in case number PZ25-0045 for a  
23 Pottery Barn on 27500 Novi Road to grant the  
24 request for the variance for the sign to be 93  
25 square foot with internally illuminated wall sign

1 with halo lighting, which is causing the need of  
2 the variance but will assist because of the  
3 distance from the building to 12 Mile and the  
4 shape and topography of the mall itself for 12  
5 Oaks, that it's in a bowl area. And that the  
6 request is based upon circumstances or features  
7 that are exceptional and unique to the property  
8 and do not result from conditions that exist  
9 generally in the city or that are self-created,  
10 including the bowl shape of the mall and the  
11 distance to 12 Mile. That the failure to grant  
12 relief will unsubstantially prevent or limit the  
13 use of the property and will result in  
14 substantially more and myriad convenience or  
15 inability to attain a higher economic or financial  
16 return because of the distance of the building to  
17 12 Mile and the speed of traffic on 12 Mile. That  
18 the granted relief would be offset by other  
19 improvements or actions such as increased setbacks  
20 or increased landscaping such that the net effect  
21 will result in improvement of the property and  
22 design of the face of the entrance like the  
23 previous owner, the California Pizza, and then the  
24 next door neighbor, the Cheesecake Factory, that  
25 the design of the face of the entrance will help

1 that. That the grant of relief will not result in  
2 a use or structure that is incompatible with or  
3 unreasonably interferes with adjacent or  
4 surrounding properties will result in substantial  
5 justice being done to both the applicant and  
6 adjacent or surrounding properties, and is not  
7 inconsistent with the spirit and intent to this  
8 chapter because it will increase attention and  
9 attraction to the neighboring businesses and 12  
10 Oaks Mall.

11 MEMBER LONGO: Second.

12 CHAIRPERSON MONTAGUE: Roll call,  
13 please?

14 MS. NARDONE: Member Sanghvi?

15 MEMBER SANGHVI: Yeah.

16 MS. NARDONE: Member Thompson?

17 MEMBER THOMPSON: Yes.

18 MS. NARDONE: Member Peddiboyina?

19 MEMBER PEDDIBOYINA: Yes, please.

20 MS. NARDONE: Member Longo?

21 MEMBER LONGO: Yes.

22 MS. NARDONE: Member Krieger?

23 MEMBER KRIEGER: Yes.

24 MS. NARDONE: Member Samona?

25 MEMBER SAMONA: Yes.

1 MS. NARDONE: Chairperson Montague?

2 CHAIRPERSON MONTAGUE: Yes.

3 MS. NARDONE: Thank you. Motion  
4 carries.

5 CHAIRPERSON MONTAGUE: Any other  
6 matters that anyone would like to bring up.

7 MEMBER SAMONA: Motion to adjourn.

8 MEMBER KRIEGER: Second.

9 MEMBER SANGHVI: Mr. Chair, I wanted to  
10 propose a vote of thanks to Sarah who has been  
11 very useful in doing this business at the ZBA for  
12 the last couple of years. So I want to thank her  
13 for her cooperation and efficiency.

14 MEMBER SAMONA: Is this your last  
15 meeting?

16 MEMBER KRIEGER: Are you coming in  
17 September?

18 CHAIRPERSON MONTAGUE: She'll be one  
19 more.

20 MS. FLETCHER: So we can do this again  
21 next month.

22 MEMBER SAMONA: Can I make a motion to  
23 keep Sarah also? Very nice.

24 MS. FLETCHER: Thank you so much, Dr.  
25 Sanghvi.

1 MEMBER PEDDIBOYINA: Megan, you're  
2 doing a good job.

3 MS. NARDONE: Thank you.

4 MEMBER PEDDIBOYINA: Both of you  
5 understanding our languages.

6 MEMBER SAMONA: With that, I renew my  
7 motion to adjourn.

8 MEMBER LONGO: Second.

9 CHAIRPERSON MONTAGUE: All in favor  
10 aye.

11 THE BOARD: Aye.

12 CHAIRPERSON MONTAGUE: Any opposed?  
13 Away we go. Thank you.

14 (The meeting was adjourned at 8:29 p.m.)

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