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            REGULAR MEETING - ZONING BOARD OF APPEALS
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                        CITY OF NOVI
                    TUESDAY, MAY 11, 2021, 7:00 P.M.
                VIRTUAL MEETING VIA ZOOM
    BOARD MEMBERS :
Joe Peddiboyina, Chairperson
Clift Montague
Michael Longo
Travis Malott

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

Reported by:
Darlene K. May, Certified Shorthand Reporter

Novi, Michigan
Tuesday, May 11, 2021
7:04 p.m.

CHAIRPERSON PEDDIBOYINA: Good
evening. Sorry for the delay for five minutes due to the technical issue for my acting secretary and thank you so much. And welcome to the Novi Zoning Board of Appeals. Today is May 11th. It's 5:00 p.m.

And Pledge of Allegiance by Mike.
Mike, are you there?
MEMBER LONGO: I am.
CHAIRPERSON PEDDIBOYINA: All right.
Can you go ahead, please?
MEMBER LONGO: We'll do the Pledge of Allegiance. You can leave your mic on, if you want to. (Pledge of allegiance.)

CHAIRPERSON PEDDIBOYINA: Thank you.
Thank you, Mike. I appreciate.
Okay. Roll call. Katherine, can you please roll call?

And for roll call, state you are there and also the county and the location, physical address, please. Thank you.

MS. OPPERMAN: All right. Member

Krieger is absent excused.
Member Malott?
MEMBER MALOTT: Present. In the city of Novi, County of Oakland County, state of Michigan. MS. OPPERMAN: Excellent. Member

Montague?
MEMBER MONTAGUE: Present, Novi,
Michigan, Oakland County.
MS. OPPERMAN: Chairperson
Peddiboyina?
CHAIRPERSON PEDDIBOYINA: Novi,
Oakland County, Michigan.
MS. OPPERMAN: Member Sanker?
MEMBER LONGO: I don't see him.
MS. OPPERMAN: He's not here. Okay.
I'll mark him down absent.
Member Thompson, also absent.
And then Member Longo?
MEMBER LONGO: Present, Novi,
Michigan, County of Oakland.
MS. OPPERMAN: Excellent. Thank you.
CHAIRPERSON PEDDIBOYINA: Thank you,
Katherine. I appreciate. And all right can you check if we have enough for a quorum?

MS. OPPERMAN: Yes, we do have a
quorum.
CHAIRPERSON PEDDIBOYINA: Excellent. Thank you so much. And we don't have approval of the meeting minutes for the last month, am I right?

MS. OPPERMAN: We were able to get the minutes. They only arrived yesterday, though. So I'm not sure if all the members had the opportunity to review them after they were sent. If not, then we can always save them to approve for the next month.

CHAIRPERSON PEDDIBOYINA: Yeah, we can
move to the next month. Even I did not get a chance to look at it and I don't know about the remaining board members.

Okay. Today's approval of the agenda, is there any adding or changes, please, can you let me know, acting secretary, Katherine?

MS. OPPERMAN: Yes. Case PZ21-0022
for Dan and Wendy Williams at 1419 West Lake Drive is going to be postponed until the June meeting. It was found by our building officials that there is going to be a few more variances that will need to be advertised to the neighboring area.

And then also this was present in all the member's packets, but because the notice has been out to the public before the change happened, in case

PZ21-0024, it was originally noticed as also having a aggregate side yard setback variance request, the builder did submit new plans on April 22nd. So they withdrew that request. They'll only be pursuing the rear yard setback request.

CHAIRPERSON PEDDIBOYINA: Thank you so much.

And I'm repeating again, the last month meeting minutes was postponed. Anybody have any question on that moving to next month, any other board members?

Seeing none, looks like. Thank you.
Public remarks, anyone have anything regarding other than the cases what we have today for the ZBA?

And also if you have any questions, you would like to speak on the public or anything, you can raise your hand on the Zoom call and our acting secretary, Katherine, can see and she can connect to me and connect to our board members. And also any other people have any question or anything, you know, just do not prolong anything and just a few minutes. We're allowed to talk not like 10 minutes each continuously. We have limited time on those things. Make a note on the public remarks. Thank you.

Do you have any people having public remarks, Katherine? Do you see anybody raising their hand on the meeting?

MS. OPPERMAN: Let me double check.
Apologies. It will take a little
longer than usual because I'm using my phone as opposed to my laptop, which I would prefer.

I do not see anyone raising their hand at this time.

CHAIRPERSON, PEDDIBOYINA: Thank you so much. I appreciate. And I would like to move to the first case tonight. PZ20-0035, Bowers and Associates, Hilltop Assisted Living, 40255 Thirteen Mile Road, west of Haggerty Road and south of Thirteen Mile Road, parcel number 50-22-12-200-059. The applicant is requesting the variance from the Novi Zoning Ordinance Section 4.64 .2 for a 74-foot setback along Thirteen Mile Road frontage, 90 feet required by code, a variance of 16 feet. This variance will accommodate the building of a new assisted living facility. This property is zoned Office Service Technology, OST. Is the applicant present?

MR. BACALL: Yes, I am.
CHAIRPERSON PEDDIBOYINA: Oh, okay, good. And can you spell your first and last name
clearly for the court record for our acting secretary and she can take it.

Katherine, can you take it, please? MS. OPPERMAN: Yes.

Sir, if you could please, state and spell your first and last name for our court reporter and then $I$ also will need you to swear or affirm to tell the truth in the case before you.

MR. BACALL: First name is Basil.
Last name Bacall. Spelled B-a-s-i-l. Last name B-a-c-a-l-l. And I swear to tell the truth, nothing but the truth, so help me God.

MS. OPPERMAN: Thank you.
CHAIRPERSON PEDDIBOYINA: I
appreciate. Thank you so much. All right. And we'd like to continue on what we can help on this case. You can present if you have anything, you know, a

PowerPoint presentation, and you can share on the Zoom also. You can see from the Zoning Board, all the members also. Thank you. You can proceed.

MR. BACALL: Would you like me to present it, sir?

CHAIRPERSON PEDDIBOYINA: Yup.
MR. BACALL: Well, basically, we should have our engineer with us on the Zoom as well.

We are looking for a variance from the 74 feet that we currently have to --

CHAIRPERSON PEDDIBOYINA: I'm sorry to
interrupt you. Are you presenting, the only one, or you're indicating also someone else speaking on this case on behalf of you?

MR. BACALL: Yes. My engineer is on board.

Andy, are you on board?
MR. WAKELAND: Yes, I'm here.
MR. BACALL: Would you please present it?

CHAIRPERSON PEDDIBOYINA: Yes. Can you present yourself and your first and last name for the court record.

And our acting secretary, Katherine, can you take this one, please?

MR. WAKELAND: Yes. I can do that.
Thank you. Andy Wakeland with Giffels Webster. That's A-n-d-y, W-a-k-e-l-a-n-d. In Rochester Hills, Oakland County, Michigan. I'm the civil engineer for this project, Hilltop Assisted Living.

Also, we are the site civil engineers
for this project. This one, I guess it's -- we're going to say it's kind of a casualty of COVID,
unfortunately. I've worked on this one for several years. This one is near and dear to my heart. I love this project and the views that it has.

It originally started out as a hotel project.

CHAIRPERSON PEDDIBOYINA: Yeah, Mr. Giffels (sic), can you hold on that? And let's continue with Mr. Basil and he is continuing on what he said.

Sorry. Go ahead.
MR. BACALL: No. Thank you. I really would like Andy to present it, but I'm happy to take any questions. So I'll let Andy present the request and we'll be happy to take any questions. Thank you for your consideration.

CHAIRPERSON PEDDIBOYINA: Okay. Thank
you.
You would like to speak on this?
Mr. Giffels, would like to speak on this case?
MR. WAKELAND: Yes. Andy Wakeland
with Giffels. So the Hilltop Assisted Living, like I said, it started out as a hotel protect, the Tru Hotel. And, basically, we all know that hospitality has had a very hard go of it since COVID and the project kind of lagged behind and, you know, it stopped, obviously,
with the COVID issues that were going on just this last year. And since that they're not expecting a big rebound with the hospitality for some time.

So the owners -- obviously, we had full approval on this project and the project was started and partially constructed. If you have been by the site, then you'll see that the building, the retaining wall, all the underground facilities and infrastructure is in, but we had to stop the project and reconfigure. Now they're going with this assisted living project, which I think is just going to be amazing because of the views that this property has to it with the kind of wetlands that really can't be built on surrounding it. I know anybody on that east side of the building is going to be able to look right down over the top of all that natural area.

So, that being said, the reason that we're coming before you for a variance is because we had the project approved and started under construction. That was with having a 74-foot setback along Thirteen Mile Road. I believe that was in compliance with the ordinance for a hotel at the time.

But with this switch over to the
senior living, it is a requirement to have a 90-foot front setback. So we're asking for the variance of 16
feet because, quite frankly, the building is already in place. It's not fully constructed, but it's substantially constructed. That would definitely put a hardship on the owners to meet that 90 -foot setback requirement.

We are -- I think there may be one more property along 13 Mile between M-5 and Haggerty Road so it won't have an adverse impact to any adjacent properties. And, I mean, that's pretty much the long and short of it. I'm trying to keep it simple for everybody.

CHAIRPERSON PEDDIBOYINA: Okay. Thank you, Mr. Giffels.

Okay. Any other people would like to present or any document you would like to share before I move?

MR. WAKELAND: I see in your packet that you did have the site plan that we submitted. If you want, I can share that.

CHAIRPERSON PEDDIBOYINA: It's up to you.

MR. WAKELAND: I mean, if there's questions, I'll share it. But I don't want to take any more of your time if $I$ don't have to.

CHAIRPERSON PEDDIBOYINA: Thank you.

I appreciate.
Before I go, Mr. Basil, would you like to continue or anything other you would like to add? This is your opportunity.

MR. BACALL: Thank you very much. Basically, it's as simple as Andy has illustrated. Before COVID we were going full speed in building the property and with COVID it came to a screeching halt. And we own other hotels in the area. The two hotels on 14 Mile and $M-5$, the Hampton Inn by Hilton as well as the TownePlace by Marriott and they have been struggling tremendously at low occupancy because of the obvious, the COVID. And observers, experts anticipate that it will take four or five years for hospitality to come back. So there's no reason in saturating the market further with hospitality. We did a feasibility study. It shows that there is a need and that's why we're building this.

Thank you.

CHAIRPERSON PEDDIBOYINA: Thank you so much. I appreciate the presentation what you did. And I appreciate. Thank you so much.

Let's move on to the audience.

Katherine, anybody is raising their hand on this?
MS. OPPERMAN: Yes. There is Mr. Mike

Duchesneau raising his hand.

CHAIRPERSON PEDDIBOYINA: Yeah, please go ahead, Mike.

MR. DUCHESNEAU: I would definitely recommend supporting this change. This is a hardship that's not the cause of the developer. The change that he's proposing, going to assisted living, is going to actually reduce traffic in the area and $I$ definitely would recommend approval for this variance. Thank you. CHAIRPERSON PEDDIBOYINA: Thank you. Thank you so much.

Any other audience would like to speak? This is the final call.

Katherine, anybody?

MS. OPPERMAN: No. No one else is raising their hand for this case.

CHAIRPERSON PEDDIBOYINA: Thank you so
much, Katherine. I appreciate.
And from the City, Larry?

MR. BUTLER: Just wanted to mention
that for every floor above two feet, he gets an additional 20 feet per floor which makes him eligible for that 90 -feet setback. So he is within reason. And it is a hardship.

CHAIRPERSON PEDDIBOYINA: Thank you,

Larry.
MR. BUTLER: You're welcome.

CHAIRPERSON PEDDIBOYINA:
Correspondence, our Acting Secretary Katherine, can you please go to the correspondence.

MS. OPPERMAN: Yes. There were eight letters sent for this case. No returns. No approvals and no objections.

CHAIRPERSON PEDDIBOYINA: Thank you so much.

Okay. That's very good. And, yeah, I see Mr. Giffels and Basil. I appreciate for your presentation. And from my city, the hardship on dimension. And it's a good thing. I have no objection to move on this and I'm open to the board members to speak on this case

MEMBER MONTAGUE: Thank you. Could I say something, if you don't mind?

CHAIRPERSON PEDDIBOYINA: I'm sorry?
MEMBER MONTAGUE: I would like to make a comment, please.

CHAIRPERSON PEDDIBOYINA: Who?
MEMBER MONTAGUE: Montague. Clift, Montague.

CHAIRPERSON PEDDIBOYINA: Oh, yeah.

Go ahead. You're a board member. Yeah, please, Member Montague.

MEMBER MONTAGUE: Yeah, I went by and the development is consistent with the area. It's not a residential area with a lot of houses and all that. And I think it's appropriate for the site and I don't have any problem with this variance either.

CHAIRPERSON PEDDIBOYINA: Thank you, Member Montague.

Any other board member would like to speak?

MEMBER MALOTT: Yeah, Member Malott. CHAIRPERSON PEDDIBOYINA: Yeah, Member Malott. Please go ahead, sir.

MEMBER MALOTT: I would agree with Clift. I also went by the site and I would agree with everything he said. No objections to it.

CHAIRPERSON PEDDIBOYINA: Thank you so much, Member Malott, I appreciate it.

Okay. Any other board member?
Okay. Looks like maybe none. It's a motion time. And I request, Member Montague

MEMBER MONTAGUE: Yes. I move that we grant the variance in case number PZ20-0035. Without
the variance, the petitioner will be unreasonably prevented or limited in the use of the property because the construction had begun and he's changing the use, which changes the setback requirements.

MEMBER LONGO: Clift, Clift, we need a second before you do that.

MEMBER MONTAGUE: Yes, sir.
MEMBER LONGO: I second.
MEMBER MONTAGUE: Oh, I'm sorry. I haven't made motion. I'm making it now.

CHAIRPERSON PEDDIBOYINA: No, no, no. Please go ahead, Member Montague. Continue.

MEMBER LONGO: I'm sorry.
MEMBER MONTAGUE: That's all right. The property is unique because of its location and the surroundings around it. It is a very large setback from the road. The petitioner did not create the situation because it was an existing building under construction. The relief will not unreasonably interfere with surrounding properties because the nature of the area, it fits in the nature of the area and there really aren't houses and -- and that, too.

And the relief is consistent with the

like the members to be requesting to take this motion, one of you.

PZ21-0021 Jeffry and Rebecca Laurie, L-a-u-r-i-e, 185 Maudlin Street, west of old Novi Road and south of South Lake Drive, parcel number 50-22-03-452-010. The applicant is requesting the variance from the Novi Zoning Order Section 3.1.5 for a rear yard setback of 9.67 feet, 35 feet minimum required by code, a variance of 25.33 feet. This variance would accommodate the building a new covered deck. This property is zoned single family residential, R-4.

Is the applicant present? (No response.)

CHAIRPERSON PEDDIBOYINA: Hello, is the applicant present, PZ21-0021? (No response.)

MR. RAY: He's not present, but I'm a friend of his and I'm present. I'm the one helping him wanting to build his deck.

CHAIRPERSON PEDDIBOYINA: What is your name, please?

MR. RAY: Steven Ray.
CHAIRPERSON PEDDIBOYINA: Are you
presenting this case?

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space properly.
We don't feel that it's going to impede or intrude on anybody else. It will actually make the property more presentable, would make the property look better and he would be able to utilize his backyard like everybody else could utilize it.

Without taking the deck all the to the property line, the closest I think it's going to be is three feet in one corner and then it goes away from the property line.

That's just about it. He wants to utilize his backyard and make his house look presentable. And with the setback that they have now, the existing structure is closer than that.

CHAIRPERSON PEDDIBOYINA: All right.
Would you like to add anymore?
MR. RAY: Nope. That's it.
CHAIRPERSON PEDDIBOYINA: Thank you.
Okay. Any other audience want to
speak on this? Katherine, can you see?
MS. OPPERMAN: Let's see.
No. There are no audience members raising their hand for this case.

CHAIRPERSON PEDDIBOYINA: Thank you, so much, Katherine.



Luzod Reporting Service, Inc.

discussed on this. I don't want to read on this and all the board members, please accept that.

Let's move on to the final case
tonight. PZ21-0024, Abdul Alkhafaji,
A-l-k-h-a-f-a-j-i, 41321 Llewelyn Drive, east of Meadowbrook Road and north of Eight Mile Road, parcel number 50-22-36-352-004, the applicant is requesting variances from the City of Novi Zoning Ordinance Section 3.2.2 for a proposed rear yard setback of 46.7 feet, 50 feet required, a variance of 3.3 feet. This property is zoned Residential Acreage.

They have re- -- R-e-s-c-i-n-d-e-d, rescinded that portion of the zoning request.

Is the applicant present? (No response.)

CHAIRPERSON PEDDIBOYINA: Mr. Abdul, can you hear me?
(No response.)
CHAIRPERSON PEDDIBOYINA: PZ21-0024, the case, is the applicant present?

MS. OPPERMAN: I don't see that the applicant is present for this case.

CHAIRPERSON PEDDIBOYINA: Okay. I think it looks like he's not there. I don't know whether we can move it to the next month or another
month. You can decide, Katherine. It's up to you.
I think that's all for today's, I
believe. Compared to the last month, last month was a very long day. I appreciate for all the board members and also, you know, all the City.

Any other matters?
Nothing. So I would like to adjourn the meeting. If anybody say anything -- say, "Aye."

MS. OPPERMAN: If I could, Chairperson
Peddiboyina, I think you may have to have a member do a formal motion to table the case PZ21-0024.

CHAIRPERSON PEDDIBOYINA: I'm sorry.
Can somebody? I think, Mike, Mike Longo, can you do that, please?

MEMBER LONGO: I move that we table the appeal PZ21-0024 until it can be presented to the board.

MS. SAARELA: Mr. Longo, can you make it specifically to the June meeting so it doesn't have to be renoticed?

MEMBER LONGO: I can, Beth. What's that day, do you know?

MS. OPPERMAN: June 8th.
MEMBER LONGO: Okay. Let me start over.
ahead.
MEMBER LONGO: I move that we table the appeal PZ21-0024 to our next meeting on June the 8th.

CHAIRPERSON PEDDIBOYINA: Okay. Thank you.

MEMBER LONGO: Thanks, Beth.
CHAIRPERSON PEDDIBOYINA: Yeah, you
want to roll call on this one but it's enough?
MS. OPPERMAN: I think you can do a voice vote all in favor.

CHAIRPERSON PEDDIBOYINA: All in favor say "Aye."

THE BOARD: Aye.
CHAIRPERSON PEDDIBOYINA: Thank you.
Thank you so much, everybody.
I think that is it for today's
matters. Say "Aye" to adjourn.
THE BOARD: Aye.
CHAIRPERSON PEDDIBOYINA: Thank you so much. Have a nice, wonderful day. (At 7:36 p.m., meeting concluded.) $\begin{array}{lllllllllll}C & E & R & T & F & I & C & A & T & E\end{array}$

STATE OF MICHIGAN)
) ss
COUNTY OF OAKLAND)

I, Darlene K. May, Notary Public within and for the County of Oakland, do hereby certify that I have recorded stenographically the proceedings had and testimony taken in the above-entitled matter at the time and place hereinbefore set forth, and I do further certify that the foregoing transcript, consisting of one hundred thirty-nine (139) typewritten pages, is a true and correct transcript of my said stenographic notes.

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/s/Darlene K. May
Darlene K. May, Notary Public
Oakland County, Michigan
My commission expires: 01-13-2024
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June 4, 2021
(Date)

