

REGULAR MEETING - ZONING BOARD OF APPEALS

CITY OF NOVI

TUESDAY, NOVEMBER 20, 2018 7:00 P.M.

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

BOARD MEMBERS:

Linda Krieger, Chairperson

Cynthia Gronachan

David M. Byrwa

Siddharth Mav

Joe Peddiboyina

ALSO PRESENT:

Elizabeth Saarela, City Attorney

Lawrence Butler, Comm. Development, Dep. Director

Katherine Oppermann, Recording Secretary

Reported by:

Darlene K. May, Certified Shorthand Reporter

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Novi, Michigan

Tuesday, November 20, 2018

7:00 p.m.

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

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

And if Member Byrwa could lead us.

(Pledge of allegiance.)

CHAIRPERSON KRIEGER: Question for quorum notes. For tonight we don't have a full board. It's not a full board.

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

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

MS. SAARELA: You can still have the meeting.

MEMBER BYRWA: They would need all five votes to carry their variance.

MS. SAARELA: You need four.

MEMBER BYRWA: Four?

1 CHAIRPERSON KRIEGER: Unless it's a --

2 MS. SAARELA: Use variance. Which you don't
3 have any use variances.

4 CHAIRPERSON KRIEGER: Very good.
5 So we will call the role, then.

6 MS. OPPERMAN: Member Byrwa?

7 MEMBER BYRWA: Here.

8 MS. OPPERMAN: Member Ferrell is absent,
9 excused.

10 Member Gronachan?

11 MEMBER GRONACHAN: Here.

12 MS. OPPERMAN: Chairperson Krieger?

13 CHAIRPERSON KRIEGER: Here.

14 MS. OPPERMAN: Member Nafso is absent,
15 excused and Member Olsen is absent, excused.

16 Member Peddiboyina.

17 MEMBER PEDDIBOYINA: Yes.

18 CHAIRPERSON KRIEGER: And Member Sanghvi.

19 MEMBER SANGHVI: Yes.

20 CHAIRPERSON KRIEGER: So we have most of our
21 members here. So we have enough for making -- passing
22 variances. It, essentially, takes four board members
23 to pass variances on our agenda tonight.

1 Is there any changes to our agenda?

2 MS. OPPERMAN: There are not.

3 CHAIRPERSON KRIEGER: Okay. Very good. Do
4 we have a motion to --

5 MEMBER GRONACHAN: So moved.

6 MEMBER SANGHVI: Second.

7 CHAIRPERSON KRIEGER: We have a motion
8 approved. All in favor say "Aye."

9 Aye.

10 MEMBER GRONACHAN: Aye.

11 MEMBER BYRWA: Aye.

12 MEMBER PEDDIBOYINA: Aye.

13 MEMBER SANGHVI: Aye.

14 CHAIRPERSON KRIEGER: Yes?

15 MS. SAARELA: So it's simple majority for the
16 sign variances, though. So, three.

17 CHAIRPERSON KRIEGER: Okay.

18 MEMBER BYRWA: Three of the five.

19 CHAIRPERSON KRIEGER: Very good. We have
20 enough.

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

1 And this is televised so the members at home,
2 our viewers, can see how our Zoning Board of Appeals is
3 doing.

4 If we go to our minutes, we have two sets of
5 minutes to review, September and October. Any
6 additions or subtractions?

7 MEMBER GRONACHAN: None.

8 CHAIRPERSON KRIEGER: All right. So for the
9 September 2018 minutes, do we have approval?

10 THE BOARD (Simultaneously): So moved.

11 MEMBER SANGHVI: Second.

12 CHAIRPERSON KRIEGER: All in favor say,
13 "Aye."

14 MEMBER GRONACHAN: Aye.

15 MEMBER BYRWA: Aye.

16 MEMBER PEDDIBOYINA: Aye.

17 MEMBER SANGHVI: Aye.

18 CHAIRPERSON KRIEGER: Aye. Okay. Very good.
19 September minutes are passed.

20 October 2018, any changes or amendments?

21 MEMBER GRONACHAN: None.

22 MEMBER BYRWA: None.

23 CHAIRPERSON KRIEGER: Motion?

1 THE BOARD: So moved.

2 MEMBER PEDDIBOYINA: I second.

3 CHAIRPERSON SANGHVI: Very good. So we have
4 a motion and a second for October minutes. All in
5 favor say, "Aye."

6 Aye

7 MEMBER GRONACHAN: Aye.

8 MEMBER BYRWA: Aye.

9 MEMBER PEDDIBOYINA: Aye.

10 MEMBER, SANGHVI, aye.

11 CHAIRPERSON KRIEGER: None opposed. Okay.

12 So our October 2018 minutes are also passed.

13 So we come to public remarks. Is there
14 anyone in the audience that has a remark regarding
15 anything other than our cases that we have tonight?

16 And seeing none, we'll close that for now.

17 Public hearings, we have six cases tonight
18 and the first one is PZ18-0046, Scott Pernia for 22556
19 Montebello Court, west of Novi Road and north of Nine
20 Mile Road. The applicant is requesting a variance from
21 the City Code of Ordinances 4.19.1.E.i. to allow an
22 additional 635 square feet for a proposed 1411 square
23 foot accessory building attached garage with 611 square

1 feet of attic storage, 850 square feet allowed.

2 The property is zoned single family
3 residential, R-3.

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

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

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

12 MR. PERNIA: Sure.

13 MEMBER BYRWA: Do you swear to tell the truth
14 and the whole truth?

15 MR. PERNIA: I do.

16 MEMBER BYRWA: Thank you.

17 CHAIRPERSON KRIEGER: Very good. Proceed.

18 MR. PERNIA: Okay. As mentioned, I'm here
19 tonight to request a variance for an accessory
20 structure, dimensional variance to accommodate some new
21 features on the property and also enable barrier-free
22 accessibility with garage parking that's, basically,
23 matched to the size of the home.

1 I'm just -- will this show up?

2 CHAIRPERSON KRIEGER: Yes. You just put it
3 on there and it will show up back here.

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

8 The next thing is just to look at the unique
9 lot. So there's a couple of unique lot features. This
10 right here is an overview of the lot. There's about a
11 30-foot grade change from the northeast corner of the
12 property to the south and southwest corner of the
13 property. There's some large trees, shown here, on the
14 eastern portion of the property. The property itself
15 drains back into the Miller Creek.

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

22 The lot topography itself constrains the
23 options for the home and garage orientation. So

1 requiring the garage to be over here on the eastern
2 portion of the property or the higher ground. Also
3 setting the relationship between the different
4 elevations on the home between where the basement
5 walkout would be, the main level, and then also the
6 garage elevation in terms of the heights and how much
7 area is required for the entry in the garage.

8 Without the variance, the usable garage area
9 would end up being mismatched to the home size. It
10 would also limit the amount of requiring cars to be
11 parked out here on the driveway with the trees that I
12 mentioned, then exposing, you know, the trees to
13 falling ice, et cetera, from those. We're really
14 looking to keep these large trees associated with, you
15 know, the property for aesthetical reasons.

16 Worked with the architect really diligently
17 to minimize the required variance. As mentioned,
18 worked to optimize the elevation changes between the
19 basement level, the main level and the garage.
20 Minimizing the amount of a space for the entry ramp
21 here in the garage, which is driving the need for the
22 variance. And then also reduced the north bay here,
23 the depth dimension of it, from the south bay to try to

1 minimize the overall area of the garage.

2 My personal preference, of course, would be
3 to carry the garage on through in terms of a larger
4 overall size, but kind of in the spirit of minimizing
5 the variance, went ahead and reduced this garage depth
6 as well.

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

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

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

1 the visual here and reducing clutter with the garage as
2 well.

3 CHAIRPERSON KRIEGER: That's it?

4 MR. PERNIA: That's it, I guess.

5 CHAIRPERSON KRIEGER: Okay. Very good.

6 Thank you very much.

7 Is there anyone in the audience that would
8 like to speak regarding this case?

9 Okay. Seeing none. We'll close it to that.

10 And to the City, Mr. Butler?

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

14 Is that correct on that?

15 It was really hard to read that in the print.

16 MR. PERNIA: I actually think it's about 25
17 or 6,000 square feet. But in any case, more than twice
18 the size required for R-3. So much, much larger than
19 R-3.

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

22 CHAIRPERSON KRIEGER: Okay. And
23 correspondence?

1 MEMBER BYRWA: Correspondence: We sent out
2 16 letters. Three letters were returned and we got one
3 approval and zero objections.

4 CHAIRPERSON KRIEGER: Is the approval the
5 same as in the packet?

6 MS. OPPERMAN: Um-hmm.

7 CHAIRPERSON KRIEGER: So you don't have to
8 read it.

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

11 Yes, Member Sanghvi?

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

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

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

23 MR. PERNIA: Thank you.

1 CHAIRPERSON KRIEGER: Yes, Member Byrwa?

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

8 MR. PERNIA: Yes.

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

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

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

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

21 There's the road here where there's an
22 elevation change, here to the back, and then also this
23 side. And appreciate the comments. We've worked to

1 try and accommodate all of those with the slopes.

2 MEMBER BYRWA: Okay.

3 MR. PERNIA: The basement depth was actually
4 increased to 12 feet deep on the western portion of the
5 lot that made all those work out as best as possible.

6 MEMBER BYRWA: Okay. So you are aware of
7 that?

8 MR. PERNIA: Yes. And it is less than the
9 10 percent.

10 MEMBER BYRWA: Great. Thank you.

11 CHAIRPERSON KRIEGER: Yes, Member Gronachan?

12 MEMBER GRONACHAN: Thank you.

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

22 MR. PERNIA: Sure. And that's -- so the
23 variance -- so there was a little bit of a question

1 with the Building Department on how to quantify that.
2 The difference here would be if you had a colonial and
3 you went into the area over the garage from one of the
4 rooms inside the house, that -- my understanding, is
5 that wouldn't matter. You know, it wouldn't be needed
6 for any type of variance.

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

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

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

23 MEMBER GRONACHAN: Right.

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

3 MEMBER GRONACHAN: Okay.

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

7 MEMBER GRONACHAN: Yeah.

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

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

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

17 MEMBER GRONACHAN: Okay.

18 MR. PERNIA: So it will appear as a four-car
19 garage from the street with the two entry doors.

20 MEMBER SANGHVI: With no basement?

21 MEMBER GRONACHAN: Okay. And no basement?

22 MR. PERNIA: There is a basement in the
23 house.

1 MEMBER GRONACHAN: There is a basement.

2 MR. PERNIA: It's a walkout basement. So
3 there is a basement. It's a walkout. It's shown
4 on ...

5 MEMBER GRONACHAN: I thought I saw it.

6 MR. PERNIA: It's right here. There you go.

7 MEMBER GRONACHAN: Okay. Sorry about that.

8 Okay. Given the presentation of this case
9 plus the facts that the petitioner stated along with
10 the challenges of the lot size, the topography and all
11 of that and the presentation stated, I have no problem
12 with this and will be in full support. I think that
13 given the size of the house calls for the size of the
14 garage. I have a one-car garage so it's a challenge
15 every day. I would love a four-car garage. So I'm in
16 full support.

17 Thank you.

18 MR. PERNIA: Thank you very much.

19 CHAIRPERSON KRIEGER: Thank you very much. I
20 do have a question with the space in the house and the
21 walkout basement and the slope for drainage into the
22 creek. That's built into how you've designed the home?

23 MR. PERNIA: Correct. You mean the drainage

1 for the house will be built into the ...

2 CHAIRPERSON KRIEGER: Yeah. I don't know how
3 the slope of the strait works with that, but as the
4 water drains it will end up in the creek.

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

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

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

19 CHAIRPERSON KRIEGER: So it shows more
20 uniqueness of your area and helped you to not create
21 the condition as you're dealing with this site. So I'm
22 also in favor and thank you for your presentation.

23 We have a motion, Member Peddiboyina?

1 MEMBER PEDDIBOYINA: No. I have a question.

2 CHAIRPERSON KRIEGER: You have a question.

3 Very good.

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

6 MR. PERNIA: Um-hmm.

7 MEMBER PEDDIBOYINA: What is the size of the
8 total?

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

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

13 MEMBER PEDDIBOYINA: The proposed is 1411
14 square foot?

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

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

22 CHAIRPERSON KRIEGER: Very good. Do we have
23 a motion?

1 MEMBER GRONACHAN: I have a question. I'm
2 still not clear how we're getting 635 square foot for
3 the variance. Can somebody tell me how that number
4 came?

5 Because if it's the 1411 and it includes the
6 611 ...

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

10 MEMBER SANGHVI: And the variance of 561
11 feet.

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

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

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

18 MEMBER SANGHVI: Yeah.

19 MR. PERNIA: But the variance should be for
20 the exterior walls of the garage.

21 MEMBER GRONACHAN: And that's why it's 635?

22 MR. PERNIA: So that's why it's the 850 plus
23 the 635.

1 MEMBER SANGHVI: 850. Minus 850 is 561.

2 MR. PERNIA: It should be 850 plus 635.

3 CHAIRPERSON KRIEGER: 1485.

4 MR. PERNIA: That's 1485.

5 MEMBER PEDDIBOYINA: Yeah. 1485.

6 MEMBER GRONACHAN: So it still doesn't add up
7 to the way this is posted. Because we've got 1411.

8 MEMBER SANGHVI: And if 850 is allowed.

9 MEMBER GRONACHAN: If 850 is allowed and
10 we're adding 6 --

11 MEMBER SANGHVI: So it's 561.

12 MEMBER GRONACHAN: Right. 561, not 635.

13 MEMBER SANGHVI: There's a variance of 561.

14 MEMBER GRONACHAN: To the City, do they
15 have --

16 MR. PERNIA: So ...

17 MEMBER GRONACHAN: Hang on just one second.

18 Larry, do you have ...

19 MR. BUTLER: Actually, we went off the
20 numbers that he gave us because he asked for additional
21 635. The numbers were provided for us.

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

1 MR. BUTLER: Right.

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

5 MEMBER GRONACHAN: Go ahead. I'm sorry.

6 MR. PERNIA: So the 635 was what the variance
7 request is for. The request is for 635 additional
8 square feet.

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

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

13 MEMBER GRONACHAN: Okay.

14 MR. PERNIA: The interior walls of the
15 garage, which is listed on the blueprint documentation,
16 is the 1411. So on the cover page of the blueprint it
17 lists interior dimensions is how it's listed on the
18 blueprint.

19 MEMBER GRONACHAN: Okay.

20 MR. PERNIA: And that's the 1411 number.

21 MEMBER GRONACHAN: Okay.

22 MR. PERNIA: The exterior number is the 850
23 plus the 635. Which, my understanding, is that's

1 what's required for the variance is the exterior
2 dimension.

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

5 MR. PERNIA: I completely understand the
6 confusion.

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

10 CHAIRPERSON KRIEGER: Thank you.

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

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

23 The property is unique because of the lot

1 size, shape, configuration and landscaping issues. I
2 also would like to note that the petitioner did not
3 create this condition based on his testimony, and the
4 topography, again, and the landscape and the lay of the
5 property.

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

14 MEMBER SANGHVI: Second.

15 CHAIRPERSON KRIEGER: We have a motion and a
16 second. Any other discussion?

17 MR. PERNIA: Could I ask one question.

18 CHAIRPERSON KRIEGER: Should I allow for a
19 question?

20 I can allow. Go ahead.

21 MR. PERNIA: I was just asking about the 611
22 square foot attic storage that was in the posting. I
23 noticed that wasn't read.

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

3 MS. SAARELA: Is the variance only for the
4 635 square feet or is it some separate variance that is
5 required for the attic space?

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

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

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

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

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

20 So out of the 635, 611 is for the attic?

21 MR. PERNIA: No. So what is proposed is for
22 the main, the garage floor, to be the 850 plus the 635.
23 So the variance request was for 635 additional square

1 feet. That's the main floor plus the exterior walls.

2 MEMBER GRONACHAN: Okay. I get that part.

3 MR. PERNIA: And then the 611 came from
4 the -- that's the area of the attic storage on top of
5 it.

6 MEMBER GRONACHAN: Right.

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

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

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

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

21 MEMBER GRONACHAN: So is it 635 plus 611?

22 MEMBER SANGHVI: No.

23 CHAIRPERSON KRIEGER: It remains in the

1 circumference of the building. So it's a second floor.
2 So does that have more to do with firewall with the
3 rest of the house?

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

6 MR. BUTLER: No. No.

7 MEMBER SANGHVI: That's including 611 of the
8 attic.

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

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

13 MR. BUTLER: That's just for the attic. The
14 635 plus the 850 was for your garage space, correct?

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

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

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

23 MEMBER GRONACHAN: So it's two things that we

1 have to approve; the 635 plus the 611 for the storage
2 space?

3 MR. BUTLER: Yes.

4 MEMBER GRONACHAN: So now I have to -- can I
5 strike that last amendment? Or that last motion?

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

8 MEMBER SANGHVI: Just including the attic
9 space.

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

13 Is that all I have to ...

14 MS. SAARELA: A motion to approve the 635
15 foot variance plus the 611 foot variance.

16 MEMBER GRONACHAN: Motion to approve a 635
17 square foot variance with the addition of the 611
18 square feet for the attic storage.

19 MEMBER SANGHVI: Right.

20 CHAIRPERSON KRIEGER: Is there a second?

21 MEMBER SANGHVI: Second.

22 CHAIRPERSON KRIEGER: Accept the amendment.

23 So we have a motion with an amendment

1 including our square footage of the attic storage
2 space.

3 And is there any other discussion regarding
4 this case?

5 Okay. Very good.

6 Then, Katherine, if you can call the role.

7 MS. OPPERMAN: Member Byrwa?

8 MEMBER BYRWA: Yes.

9 MS. OPPERMAN: Member Gronachan?

10 MEMBER GRONACHAN: Yes.

11 MS. OPPERMAN: Member Krieger?

12 CHAIRPERSON KRIEGER: Yes.

13 MS. OPPERMAN: Member Peddiboyina?

14 MEMBER PEDDIBOYINA: Yes.

15 MS. OPPERMAN: And Member Sanghvi?

16 MEMBER SANGHVI: Yes.

17 MS. OPPERMAN: Motion passes.

18 MEMBER BYRWA: Good luck.

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

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

23 Have a good Thanksgiving.

1 MR. PERNIA: Happy Thanksgiving.

2 CHAIRPERSON KRIEGER: We can go on to our
3 second case which is PZ18-0047 for Coy Construction for
4 44682 Dunbarton Drive, the applicant is requesting a
5 variance from the City of Novi ordinance, Section 3.1.5
6 to allow a 10 foot rear yard variance to a proposed
7 25 foot setback for a proposed screened in porch; 35
8 feet minimum required by ordinance. The property is
9 zoned single family residential.

10 If the ...

11 CHAIRPERSON KRIEGER: Is the petitioner here?

12 (No response.)

13 CHAIRPERSON KRIEGER: Petitioner? For
14 Dunbarton?

15 (No response.)

16 CHAIRPERSON KRIEGER: Not here. We'll put
17 you to the end of the case, then. Or the meeting.

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

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

3 MR. SHIKLANIAN: Sure. Jack Shiklanian.
4 Last name S-h-i-k-l-a-n-i-a-n.

5 Are you an attorney?

6 MR. SHIKLANIAN: No.

7 CHAIRPERSON KRIEGER: Okay. We'll have you
8 sworn in.

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

11 MR. SHIKLANIAN: I do.

12 MEMBER BYRWA: Thank you.

13 CHAIRPERSON KRIEGER: Very good.

14 MR. SHIKLANIAN: So we have opened --
15 actually, built a sign for our jewelry store that we
16 just opened. And we had the sign sketched out and
17 followed the coordinates of the City, which is 27.5.

18 Actually, I'll put this.

19 The sign that was originally designed was the
20 top one, but we had to modify it to make the -- to fit
21 the 27.5 feet that was allowed by the City.

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

1 The total of the sign is in the -- I guess,
2 the square footage area. The only issue we have is the
3 diamond area. It's about seven inch taller than the
4 requirements.

5 I mean, that's the only issue we have is just
6 that little seven inch and that's where the whole 33.8
7 is coming in play. So we just want to make sure that
8 it will be okay to keep the sign up. It is up at the
9 moment. We paid. We got the variance permit to make
10 sure it stays up for tonight until we had the court
11 date.

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

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

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

18 MR. SHIKLANIAN: Yeah.

19 CHAIRPERSON SANGHVI: Is there anyone in the
20 public, then, that has any comment regarding this case?

21 Seeing none, I'll open it up to the City.

22 Mr. Butler?

23 MR. BUTLER: Just to make sure. The sign was

1 inadvertently put up without a permit. We went to them
2 and we talked to them about it and that's why they're
3 here before the ZBA because it was in the petition, but
4 it was there so we said they need to bring it before
5 the board, 27.5 square foot sign is allowed by right.
6 The sign is legal but it was just put up before he got
7 the variance.

8 CHAIRPERSON KRIEGER: Thank you. And is
9 there correspondence?

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

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

14 Yes, Member Gronachan?

15 MEMBER GRONACHAN: I guess it's safe to say
16 that a diamond wasn't your best friend in this case?

17 MR. SHIKLANIAN: No. No, it wasn't.

18 MEMBER GRONACHAN: Probably not?

19 Nobody said that to you yet?

20 MR. SHIKLANIAN: No. You're the first.

21 MEMBER GRONACHAN: Well, you know, I am an
22 original. Leave it to a girl to pick that out.

23 I think that it is unfortunate when people

1 make these signs. And the sign company should know
2 better, especially for the City of Novi, but I don't
3 think the petitioner should be punished for that. I
4 think that this is a minimal request. I don't think
5 that this is outlandish.

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

13 MR. SHIKLANIAN: Thank you.

14 CHAIRPERSON KRIEGER: Yes, Member Sanghvi?

15 MEMBER SANGHVI: Yeah. I came and saw your
16 sign there.

17 MR. SHIKLANIAN: Okay.

18 MEMBER SANGHVI: I think your diamond is the
19 problem.

20 MEMBER SHIKLANIAN: Yes.

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

1 I have no problem.

2 MR. SHIKLANIAN: Thank you so much.

3 CHAIRPERSON KRIEGER: Any other questions or
4 a motion?

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

9 MR. SHIKLANIAN: Yes, it is.

10 CHAIRPERSON KRIEGER: So I have no objection
11 for it either.

12 MR. SHIKLANIAN: Thank you. Appreciate that.

13 MEMBER GRONACHAN: Are you making a motion?

14 MEMBER BYRWA: No.

15 CHAIRPERSON KRIEGER: Yes, you are.

16 MEMBER GRONACHAN: You're not.

17 CHAIRPERSON KRIEGER: Yes, you are.

18 MEMBER GRONACHAN: Okay. I'll do it.

19 That's me, I guess. I move that we grant the
20 variance in case number PZ18-0050 for Jack Shiklanian,
21 Gabriela Jewelers at 31196 Beck Road, east of Beck and
22 southwest of Pontiac Trail for the 33.8 square foot
23 wall sign, 27.5 feet is allowed.

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MEMBER SANGHVI: A 6.3 variance.

MEMBER GRONACHAN: 6.3 variance. Thank you.

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

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

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

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

1 MEMBER PEDDIBOYINA: I second.

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

4 And if Katherine could call the roll.

5 MS. OPPERMAN: Member Sanghvi?

6 MEMBER SANGHVI: Yes.

7 MS. OPPERMAN: Member Peddiboyina?

8 MEMBER PEDDIBOYINA: Yes.

9 MS. OPPERMAN: Chairperson Krieger?

10 MEMBER KRIEGER: Yes.

11 MS. OPPERMAN: Member Gronachan?

12 MEMBER GRONACHAN: Yes.

13 MS. OPPERMAN: And Member Byrwa?

14 MEMBER BYRWA: Yes.

15 MS. OPPERMAN: Motion passes.

16 MEMBER GRONACHAN: Congratulations.

17 MR. SHIKLANIAN: Thank you so much. Have a
18 great Thanksgiving.

19 CHAIRPERSON KRIEGER: Now, diamonds are going
20 to be your best friend.

21 MR. SHIKLANIAN: Thank you. Stop by anytime.
22 Thank you so much.

23 MEMBER GRONACHAN: Oh, yeah. Well, my

1 boyfriend is in town.

2 CHAIRPERSON KRIEGER: Send him there.

3 Yeah, really. Maybe I should give him the
4 address.

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

13 Good evening.

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

16 CHAIRPERSON KRIEGER: Okay. Very good.
17 Swear him in.

18 MEMBER BYRWA: Yes. Do you swear to tell the
19 truth and the whole truth?

20 MR. ADAMS: I do.

21 CHAIRPERSON KRIEGER: Okay. Very good.

22 MR. ADAMS: Thanks for having me. I
23 basically have a sign variance more for a wayward type

1 sign for our physical therapy clinic that is located on
2 Grand River Avenue. I believe you guys have a picture
3 similar to this in the packet. If not, it's basically
4 the layout of our property.

5 I'm going to flip this around.

6 Grand River Avenue is right to the north side
7 to be faced north with our building right here.

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

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

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

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

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

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

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

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

5 So that's all I have for you guys.

6 CHAIRPERSON KRIEGER: Thank you very much.
7 Is there anybody in the public that have any questions
8 or comments regarding the case?

9 Seeing none, Mr. Butler, from the City?

10 MR. BUTLER: It was noted that the building
11 is somewhat elongated. There is approximately 28
12 spaces behind the back of that building. If you park
13 down there, you would have difficulties trying to find
14 the location of that business.

15 CHAIRPERSON KRIEGER: Thank you. And
16 correspondence?

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

20 CHAIRPERSON KRIEGER: Could you read the
21 approval?

22 MEMBER BYRWA: It says, "There are 48 spaces,
23 48 parking spaces, two handicapped, for the Wellness

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

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

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

10 CHAIRPERSON KRIEGER: Very good.

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

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

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

23 CHAIRPERSON KRIEGER: Yeah. So if your

1 neighbor wanted to make something, the City would send
2 information to you regarding that.

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

5 MR. ADAMS: Okay. Thanks.

6 CHAIRPERSON KRIEGER: Thank you.

7 All right. So open it up to the board.

8 Member Sanghvi?

9 MEMBER SANGHVI: Yeah. I came and saw your
10 place. You cannot find it unless you are standing in
11 front of your building. So I have no problem
12 supporting it. It's a very strange mini-strip mall and
13 it's a very unusual design of the place, but it's not
14 your fault. Anyway, you need that sign, I understand,
15 to identify your business.

16 Thank you.

17 MR. ADAMS: Thank you.

18 MEMBER GRONACHAN: Do you want to make a
19 motion?

20 MEMBER SANGHVI: If you want to make a
21 motion.

22 MEMBER GRONACHAN: I want you to make a
23 motion.

1 MEMBER SANGHVI: Okay.

2 MEMBER PEDDIBOYINA: I can do it.

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

5 MEMBER SANGHVI: Okay. I move that we grant
6 the variance in case number 18-0052 for Brian
7 Adams/Adams Sports Medicine business 46 -- located at
8 46001 Grand River Avenue, Novi, Michigan, parcel number
9 50-22-16-451-054.

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

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

21 The property is also unique because it is
22 located in such a way and designed in such a way that
23 this business cannot be visible without this additional

1 sign.

2 The petitioner did not create the condition.
3 This is not a self-created condition and the relief
4 granted will not unreasonably interfere with adjacent
5 or surrounding properties.

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

8 Thank you.

9 MEMBER GRONACHAN: Second.

10 CHAIRPERSON KRIEGER: We have a motion and a
11 second.

12 Katherine, could you call the role?

13 MS. OPPERMAN: Member Byrwa?

14 MEMBER BYRWA: Yes.

15 MS. OPPERMAN: Member Gronachan?

16 MEMBER GRONACHAN: Yes.

17 MS. OPPERMAN: Chairperson Krieger?

18 CHAIRPERSON KRIEGER: Yes?

19 MS. OPPERMAN: Member Peddiboyina?

20 MEMBER PEDDIBOYINA: Yes.

21 MS. OPPERMAN: And Member Sanghvi?

22 MEMBER SANGHVI: Yes.

23 MS. OPPERMAN: Motion passes.

1 CHAIRPERSON KRIEGER: Congratulations.

2 MR. ADAMS: Thank you to the board. Happy
3 Thanksgiving.

4 CHAIRPERSON KRIEGER: You too.

5 MEMBER GRONACHAN: Same to you.

6 MEMBER PEDDIBOYINA: Thank you.

7 CHAIRPERSON KRIEGER: We'll go to our next
8 case, PZ18-0054, David Dismondy for 1181 West Lake
9 Drive. The applicant is requesting a variance from the
10 City of Novi Ordinance, Section 3.1.5 for a proposed 20
11 foot, 10 inch side yard aggregate setback, 25 feet
12 required; six feet side yard setback, 10 feet required;
13 24 feet, seven inches rear yard setback, 35 feet
14 required and a lot coverage of 31 percent, 25 percent
15 maximum allowed.

16 Section 19.2 parenthesis A, also section 4.19
17 for the construction of a proposed 686 square foot
18 addition on existing legal nonconforming garage located
19 in the front setback for a total of 1536 square feet,
20 850 allowed. Section 7.10 to allow two years to start
21 project. One year allowed. An existing home is being
22 demolished and the parcels combined to accommodate the
23 addition. The property is zoned single family

1 residential, R-4.

2 Welcome back.

3 MR. DISMONDY: Thank you. David Dismondy,
4 D-i-s-m-o-n-d-y.

5 CHAIRPERSON KRIEGER: Are you an attorney?

6 MR. DISMONDY: No.

7 CHAIRPERSON KRIEGER: Okay. If he can be
8 sworn in.

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

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

13 MR. DISMONDY: I do.

14 MEMBER BYRWA: Thank you.

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

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

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

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

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

23 So the idea is, as you can see -- and you

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

8 So that's what all you're seeing right here.

9 So when you -- the same side setbacks are
10 there that are currently there. We're not going any
11 closer to the neighbor to the south.

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

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

23 So that's one of the variances.

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

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

12 You know, one car garage. And then on this
13 side it's open so you can kind of get -- it's just so
14 crowded back here you don't want a bunch of buildings.
15 So this was the only way to be able to see across and
16 get some air and sunlight back there. So it's a one
17 car garage with a carport and there's storage above it.
18 So part of what we're doing when we do this addition,
19 there's an old crooked garage here, as you see. And
20 we're going to remove it and we're just going to add --
21 instead of it being a two and a half car garage that is
22 currently there, a one car garage and we're just trying
23 to figure out a way to attach it to the existing garage

1 without tearing up the existing garage too much. So
2 that's the variance you're seeing.

3 And because there's storage above it, we're
4 counting that storage in the square footage which is
5 making it sound like it's a very large garage. But
6 really this is a 24 by 24 footprint and we're adding a
7 12 by 24 footprint with a little, like, connector in
8 between.

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

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

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

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

4 CHAIRPERSON KRIEGER: Okay. All done?

5 MR. DISMONDY: Yes.

6 CHAIRPERSON KRIEGER: Okay. That was very
7 good. Thank you.

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

10 Mr. Butler?

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

15 CHAIRPERSON KRIEGER: Thank you.

16 And correspondence?

17 MEMBER BYRWA: Correspondence, there was 11
18 letters mailed, two approvals and zero objections.

19 CHAIRPERSON KRIEGER: Very good.

20 So open up to the board.

21 Yes, Member Sanghvi?

22 MEMBER SANGHVI: Thank you. I ran into this
23 gentleman when I went to visit the place. And when I

1 went there, I realized I have met him a few times in
2 the past. And he has been step-by-step improving his
3 property and making a very good job. You had a great
4 presentation and I think you have a great lot for
5 improvement of your house and combining the two lots
6 together and putting the buildings together, too. I
7 really like your idea and it's nothing but plus, plus
8 for everybody around there. So I have no problem
9 supporting your variance request. Thank you.

10 MR. DISMONDY: Thank you.

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

18 MR. DISMONDY: Thank you.

19 CHAIRPERSON KRIEGER: Any motions?
20 Questions?

21 MEMBER GRONACHAN: The only thing I would say
22 that in looking at the past cases because this is not
23 your first or second time in front of this board. You

1 have quite a commitment to this piece of property and I
2 have to commend you for that. Because most people
3 would have thrown their hands up and tried to find
4 something else. So thank you for your commitment to
5 the City and in being a long-time resident. And in
6 reading the history, I'm overwhelmed with what you had
7 to do to make this fit, and I am in full support.

8 MR. DISMONDY: Thank you very much. I always
9 said it's not a problem, it's just a challenge.

10 MEMBER GRONACHAN: That's exactly right.
11 Well, you accomplished that.

12 MEMBER PEDDIBOYINA: Yeah. I have no
13 objection. You have given a good presentation and are
14 sure of what you want and I have full support.

15 CHAIRPERSON KRIEGER: Is that a motion?

16 MEMBER PEDDIBOYINA: No.

17 MEMBER GRONACHAN: Yes.

18 CHAIRPERSON KRIEGER: Your turn.

19 I can't make the motion. Otherwise, I would
20 do it.

21 MEMBER GRONACHAN: Anybody?

22 MEMBER BYRWA: I didn't bring my glasses.

23 CHAIRPERSON KRIEGER: You can borrow my

1 cheaters.

2 MEMBER SANGHVI: I'll give you the list.

3 MEMBER GRONACHAN: I have it right here.

4 I guess that means me.

5 MEMBER SANGHVI: Go through the variance.

6 Yeah.

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

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

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

22 The property is unique because of the lot
23 size, shape and conformity. The petitioner has not

1 created this condition because of the lot size -- the
2 two lot sizes and the confirmation.

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

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

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

14 MEMBER SANGHVI: Second.

15 MEMBER BYRWA: Support.

16 CHAIRPERSON KRIEGER: Okay. We have a motion
17 and support.

18 Any other discussion?

19 Seeing none, if Katherine could call the
20 roll.

21 MS. OPPERMAN: Member Sanghvi?

22 MEMBER SANGHVI: Yes.

23 MS. OPPERMAN: Member Peddiboyina?

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MEMBER PEDDIBOYINA: Yes.

MS. OPPERMAN: Chairperson Krieger?

CHAIRPERSON KRIEGER: Yes.

MS. OPPERMAN: Member Gronachan?

MEMBER GRONACHAN: Yes.

MS. OPPERMAN: And Member Byrwa?

MEMBER BYRWA: Yes.

MS. OPPERMAN: Motion passes.

CHAIRPERSON KRIEGER: Congratulations.

MR. DISMONDY: Thank you.

MEMBER GRONACHAN: Good luck.

MEMBER SANGHVI: Hopefully we won't see you
again.

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

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

MR. DISMONDY: Have a great holiday.

MEMBER GRONACHAN: You too. Thank you.

MR. DISMONDY: Thank you.

CHAIRPERSON KRIEGER: Our next case is
PZ18-0055, Chris Ketzler/Toll Brothers for 20857
Dunhill Drive. The applicant is requesting a two

1 percent variance from the City of Novi Zoning Ordinance
2 Section 3.1.2 to allow the 27 percent proposed lot
3 coverage for a new home, 25 percent is allowed.
4 Property is zoned single family residential, R-1.

5 MR. KETZLER Chris Ketzler, K-e-t as in Tom,
6 Z as in Zebra, L-e-r, Toll Brothers.

7 CHAIRPERSON KRIEGER: Are you an attorney?

8 MR. KETZLER I am not an attorney.

9 CHAIRPERSON KRIEGER: If he can be sworn in,
10 Member Byrwa?

11 MEMBER BYRWA: Do you swear to tell the
12 truth, the whole truth?

13 MR. KETZLER Yes, sir, I do.

14 MEMBER BYRWA: Thank you.

15 MR. KETZLER Dunhill Park is a community in
16 which Toll Brothers, we purchased 19 lots. We grand
17 opened this summer. And at grand opening we came out
18 of the gate with a flurry of sales. We currently have
19 seven homes sold in a short amount of time at Dunhill
20 Park. Unfortunately, there was an ordinance that we
21 looked over or missed during what we call our lot fit
22 study and that is the percent coverage of the lot area
23 per parcel. We are within the setback lines but we

1 have a small overage of two percent of the 25 percent
2 allowed.

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

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

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

14 CHAIRPERSON KRIEGER: That's it?

15 MR. KETZLER That's it.

16 CHAIRPERSON KRIEGER: Any other comment from
17 the public?

18 Seeing none.

19 Mr. Butler, from the City?

20 MR. BUTLER: No comments.

21 CHAIRPERSON KRIEGER: Okay. And
22 correspondence?

23 MEMBER BYRWA: Correspondence, the City

1 mailed out 22 letters. There was one letter returned
2 and one objection.

3 CHAIRPERSON KRIEGER: Could you read that,
4 please?

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

10 And the name was Tom Rancour, R-a-n-c-o-u-r.

11 CHAIRPERSON KRIEGER: Is that in that
12 subdivision?

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

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

17 Member Sanghvi?

18 MEMBER SANGHVI: Yeah. I came around and
19 drive around there to look at the thing.

20 MR. KETZLER: Yes.

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

1 MR. KETZLER: Roughly, the square coverage on
2 the ground is 36 -- or I'm sorry, 3,845 square feet.
3 And the home itself will be roughly around 4,800 square
4 feet.

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

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

13 MEMBER SANGHVI: It's your lot?

14 MR. KETZLER: Pardon me?

15 MEMBER SANGHVI: You're the owner of the lot?

16 MR. KETZLER: I am the owner of the lot.

17 Toll Brothers is the owner of the lot.

18 MEMBER SANGHVI: Okay.

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

23 MEMBER SANGHVI: Okay. Very good. Thank

1 you.

2 CHAIRPERSON KRIEGER: Yes.

3 MEMBER GRONACHAN: So in the packet, it talks
4 about the Hennely (sp). Is this one of the models?

5 MR. KETZLER: That's one of the models.

6 MEMBER GRONACHAN: So how many houses are not
7 going to be conforming throughout this subdivision?

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

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

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

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

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

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

19 MR. KETZLER: I don't think that it would.

20 MEMBER GRONACHAN: Okay. I have nothing
21 else.

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

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

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

9 CHAIRPERSON KRIEGER: Okay.

10 Member Byrwa? Member Peddiboyina?

11 MEMBER PEDDIBOYINA: No.

12 CHAIRPERSON KRIEGER: Questions?

13 Motion?

14 MEMBER PEDDIBOYINA: (Nods.)

15 MEMBER GRONACHAN: I have a question for the
16 City attorney.

17 MS. SAARELA: Yes.

18 MEMBER GRONACHAN: I need some guidance.

19 MS. SAARELA: Okay.

20 MEMBER GRONACHAN: Generally, on new
21 construction, I'm having a hard time with the hardship
22 on this case. So, I mean, it doesn't matter what lot
23 you want, it still has to be within the 25 percent.

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

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

7 MEMBER GRONACHAN: Okay.

8 MEMBER PEDDIBOYINA: Can I have a question?

9 MEMBER GRONACHAN: Can I finish?

10 MEMBER PEDDIBOYINA: (Nods.)

11 MEMBER GRONACHAN: I have a thought.

12 My suggestion would be that we postpone this
13 case and have the petitioner go back to the drawing
14 board and see what else can be done before we just
15 flatout deny it. That's what I usually like to do.
16 Because You know me, I'm not a hard hearted Hanna and I
17 usually get in trouble for that.

18 But I think that with the size of this house,
19 something, perhaps, could be done or looked at and then
20 come back and show this board exactly what the hardship
21 is. Because, you know, at the end of the day, this
22 board has to vote on based on what the rules are. And
23 I'm having a hard time finding what the -- finding of

1 facts are at this point.

2 So I don't know how the other members of the
3 board feel about that, but that would be my suggestion.

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

6 MEMBER PEDDIBOYINA: Can I go ahead?

7 MEMBER GRONACHAN: Through the chair,
8 certainly.

9 CHAIRPERSON KRIEGER: Are you done?

10 MEMBER GRONACHAN: Yes.

11 CHAIRPERSON KRIEGER: Go ahead.

12 MEMBER PEDDIBOYINA: Thank you, Chair.

13 Is the customer asking for the variance?

14 You're saying the customer is asking the request, am I
15 right?

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

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

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

1 MR. KETZLER Yes. They're our customer.
2 They purchased the home from us.

3 CHAIRPERSON KRIEGER: Okay. So would the
4 client be willing to review if we table? Because it
5 looks like we wouldn't be able to support it.

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

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

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

12 MEMBER GRONACHAN: Yes.

13 MR. KETZLER: Okay.

14 CHAIRPERSON KRIEGER: More consistent with
15 the ordinance, yes.

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

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

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

22 MS. OPPERMAN: December can't be done at this
23 time because we would not have sufficient time for

1 legal advertisement.

2 CHAIRPERSON KRIEGER: So it would be January.

3 MEMBER GRONACHAN: So I need to make a
4 motion?

5 MS. SAARELA: Motion to postpone it.

6 CHAIRPERSON KRIEGER: Yes.

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

10 MS. SAARELA: January what? We need a date.

11 CHAIRPERSON KRIEGER: When is the second
12 Tuesday?

13 MEMBER GRONACHAN: January 8th, 2019.

14 MEMBER PEDDIBOYINA: January 8.

15 MEMBER GRONACHAN: Right.

16 MR. KETZLER: Can I bring another participant
17 up? Or, No.

18 MEMBER GRONACHAN: Okay. Can I make this
19 motion?

20 I move that we in -- that we postpone this
21 case until January 8th of 2019 for the petitioner along
22 with the purchaser of this home to return with
23 additional information on the case and perhaps review

1 to see if there is another option for building on this
2 lot without exceeding the lot coverage.

3 MEMBER SANGHVI: Second.

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

6 MEMBER BYRWA: Support.

7 MEMBER PEDDIBOYINA: I support.

8 CHAIRPERSON KRIEGER: What? Do you have a
9 question?

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

16 MEMBER GRONACHAN: Do I have to amend?

17 MS. SAARELA: Well, you just postponed it.

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

20 MS. SAARELA: Whoever the owner is.

21 MEMBER BYRWA: Well, that would give you, I
22 guess, more time to think about what -- some cold, hard
23 facts are on a practical difficulty on why you can't

1 comply with the 25 percent.

2 CHAIRPERSON KRIEGER: Right. How you can put
3 it into the requirements.

4 MR. KETZLER: Okay.

5 CHAIRPERSON KRIEGER: So we have a motion and
6 a second for postponement, if Katherine can call the
7 role.

8 MS. OPPERMAN: Member Byrwa?

9 MEMBER BYRWA: Yes.

10 MS. OPPERMAN: Member Gronachan?

11 MEMBER GRONACHAN: Yes.

12 MS. OPPERMAN: Chairperson Krieger?

13 CHAIRPERSON KRIEGER: Yes.

14 MS. OPPERMAN: Member Peddiboyina?

15 MEMBER PEDDIBOYINA: Yes.

16 MS. OPPERMAN: And Member Sanghvi?

17 MEMBER SANGHVI: Yes.

18 MS. OPPERMAN: Motion passes.

19 MEMBER GRONACHAN: All right. We'll see you
20 in January.

21 CHAIRPERSON KRIEGER: We'll see you.

22 MR. KETZLER: Thank you.

23 CHAIRPERSON KRIEGER: Okay. The Dunbarton

1 case, PZ18-0047, Coy Construction, 44682 Dunbarton
2 Drive.

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

5 MS. OPPERMAN: (Nods.)

6 MEMBER GRONACHAN: Did we hear from the
7 petitioner?

8 MEMBER GRONACHAN: Did we hear from the
9 petitioner.

10 MS. OPPERMAN: No.

11 CHAIRPERSON KRIEGER: So I need a motion to
12 postpone? Can they have it in December or January?

13 MS. OPPERMAN: January.

14 MEMBER GRONACHAN: There's no cases in
15 December.

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

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

21 MEMBER GRONACHAN: So in Case Number
22 PZ18-0047 for Coy Construction at 44682 Dunbarton, I
23 move that this case be tabled until January 8th of 2019

1 since the petitioner did not appear this evening.

2 MEMBER PEDDIBOYINA: I second.

3 CHAIRPERSON KRIEGER: Motion is seconded.

4 Katherine, call the role.

5 MS. OPPERMAN: Member Sanghvi?

6 MEMBER SANGHVI: Fine.

7 MS. OPPERMAN: Member Peddiboyina?

8 MEMBER PEDDIBOYINA: Yes.

9 MS. OPPERMAN: Member Gronachan?

10 MEMBER GRONACHAN: Yes.

11 MS. OPPERMAN: Member Byrwa.

12 MEMBER BYRWA: Yes.

13 MS. OPPERMAN: And Chairperson Krieger?

14 CHAIRPERSON KRIEGER: Yes.

15 MS. OPPERMAN: Motion passes.

16 CHAIRPERSON KRIEGER: That comes to the end

17 of our meeting. So are there any other matters?

18 MEMBER GRONACHAN: I have one.

19 CHAIRPERSON KRIEGER: Yes?

20 MEMBER GRONACHAN: I would just like to wish

21 the Board and all of the members that we work with all

22 year long a Happy Thanksgiving.

23 CHAIRPERSON KRIEGER: I agree.

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MEMBER GRONACHAN: And awesome 2019.

CHAIRPERSON KRIEGER: No meeting in December
so we'll see you next year. Happy New Year.

Motion to adjourn then.

MEMBER GRONACHAN: Second.

CHAIRPERSON KRIEGER: Meeting adjourned.

(At 8:18 p.m., meeting adjourned.)

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C E R T I F I C A T E

STATE OF MICHIGAN)

) ss

COUNTY OF OAKLAND)

I, Darlene K. May, do hereby certify that I have recorded stenographically the proceedings had and testimony taken in the above-entitled matter at the time and place hereinbefore set forth, and I do further certify that the foregoing transcript, consisting of seventy-four (74) typewritten pages, is a true and correct transcript of my said stenographic notes.

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

December 21, 2018
(Date)