

MEETING - ZONING BOARD OF APPEALS

CITY OF NOVI

TUESDAY, September 13, 2022 7:00 p.m.

Council Chambers|Novi Civic Center|45175 W. 10 Mile Rd

BOARD MEMBERS PRESENT:

Joe Peddiboyina, Chairperson

Clift Montague, Secretary

Linda Krieger

Michael Thompson

Jay McLeod

ALSO PRESENT:

Elizabeth Saarela, City Attorney

Lawrence Butler, Comm. Development, Dep. Director

Anita Sophia Wagner, Recording Secretary

Reported by:

Sandra D. Wilson, Certified Shorthand Reporter

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Novi, Michigan  
Tuesday, September 13, 2022  
7:00 p.m.

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CHAIRMAN PEDDIBOYINA: Good evening.  
City of Novi Zoning Board Ordinance. Welcome  
to the Novi City Board. Today is September  
13, 7:00 p.m. Call to order. Please,  
everybody stand up for the pledge of  
allegiance.

(Pledge of allegiance recited)

CHAIRMAN PEDDIBOYINA: Thank you.  
Please be seated. Can you hear me? Okay.  
Good. Okay. Secretary, can you please take a  
seat so we can roll-call?

MADAM SECRETARY: Member Krieger.

MEMBER KRIEGER: Present.

MADAM SECRETARY: Member Longo.  
Absent, excused. Member McLeod.

MEMBER MCLEOD: Here.

MADAM SECRETARY: Member Montague.

MEMBER MONTAGUE: Here.

MADAM SECRETARY: Chairperson  
Peddiboyina.

CHAIRMAN PEDDIBOYINA: Here, please.

1 MADAM SECRETARY: Member Sanghvi.

2 Absent, excused. Member Thompson.

3 MEMBER THOMPSON: Yes.

4 MADAM SECRETARY: And Member Copes.

5 Absent, excused.

6 CHAIRMAN PEDDIBOYINA: Thank you. I

7 think we have enough quorum.

8 MR. BUTLER: Yes.

9 CHAIRMAN PEDDIBOYINA: Okay. That's

10 good. Thank you so much. Public hearing

11 format of rules of conduct and regulation.

12 You can pick anything on those two

13 papers. We have two cases. Any changes,

14 any modifications, please let me know.

15 Any changes, modifications?

16 MADAM SECRETARY: No changes.

17 CHAIRMAN PEDDIBOYINA: No. Okay.

18 That's good. Thank you. Approval of agenda.

19 I guess approval of minutes, agenda. Somebody

20 can make a motion.

21 MEMBER KRIEGER: I move to approve

22 the agenda.

23 CHAIRMAN PEDDIBOYINA: Thank you.

24 Somebody can make a second.

25 MEMBER MONTAGUE: I'll second.

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1 THE COURT: Thank you. Motion  
2 passes. And say aye in favor?

3 BOARD MEMBERS: Aye.

4 CHAIRMAN PEDDIBOYINA: Any nays?

5 BOARD MEMBERS: (No verbal  
6 response).

7 CHAIRMAN PEDDIBOYINA: Thank you.  
8 Approval of agenda is done and minutes of  
9 August is done. Public remarks. This is the  
10 time where you can speak any changes, any  
11 modifications on these two cases is the time  
12 public remarks and public hearing. No  
13 changes. Okay. Once we call your case,  
14 please come to the podium, spell your first  
15 and last name clearly to the secretary and  
16 Court Reporter. If you are an attorney, you  
17 do not need to do an oath; and if you are not  
18 an attorney, our secretary will take care of  
19 that. Thank you. And today --

20 MEMBER KRIEGER: Minutes.

21 CHAIRMAN PEDDIBOYINA: Yeah. We  
22 approved minutes.

23 MEMBER KRIEGER: The agenda, not the  
24 minutes for August.

25 CHAIRMAN PEDDIBOYINA: No. No.  
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1           Yeah.

2                         MEMBER KRIEGER: Oh.

3                         CHAIRMAN PEDDIBOYINA: Okay.

4           Today's agenda, we have two cases. Any  
5           changes or anything, anything we need to  
6           approve or anything?

7                         BOARD MEMBERS: (No verbal  
8           response).

9                         CHAIRMAN PEDDIBOYINA: Okay. Linda,  
10           any other thing?

11                        MEMBER KRIEGER: I move to approve  
12           the minutes for August 2022.

13                        CHAIRMAN PEDDIBOYINA: Yeah. We  
14           already did. And Montague --

15                        MEMBER MONTAGUE: I already did.  
16           She did the agenda, I did the minutes.  
17           (Indiscernible) -- second it.

18                        MEMBER KRIEGER: Okay.

19                        CHAIRMAN PEDDIBOYINA: Thank you.  
20           Anything else?

21                        BOARD MEMBERS: (No verbal  
22           response).

23                        CHAIRMAN PEDDIBOYINA: All in favor?

24                        BOARD MEMBERS: Aye.

25                        CHAIRMAN PEDDIBOYINA: Thank you.

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1 Let's move on to the first case today.  
2 PZ22-0041, Ernesto Chavez - Bright Loritos,  
3 LLC. 24293 Novi Road. Novi Road, north of 10  
4 Mile Road. Parcel 50-22-22-400-026. The  
5 applicant is requesting a variance from the  
6 City of Novi Zoning Ordinance from Section  
7 4.12.2.i.a for not having an outdoor  
8 recreation area. 150 square feet per person  
9 cared for is required. The variance requested  
10 will accommodate a three-hour Spanish  
11 immersion pre-school program. The property is  
12 zoned General Business, B-3. Is that person  
13 present?

14 MR. CHAVEZ: Uh-huh.

15 CHAIRMAN PEDDIBOYINA: Yes. Please  
16 come to the podium and spell your first and  
17 last name clearly. Thank you. Please, go  
18 ahead and spell your first and last name  
19 clearly for the Secretary and for the Court  
20 Reporter.

21 MR. CHAVEZ: Ernesto Chavez.  
22 E-R-N-E-S-T-O. Last name is C-H-A-V-E-Z.

23 MEMBER MONTAGUE: Excuse me. Are  
24 you an attorney?

25 MR. CHAVEZ: I am not an attorney.  
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1 MEMBER MONTAGUE: Do you swear to  
2 tell the truth in this case?

3 MR. CHAVEZ: I do.

4 MEMBER MONTAGUE: Thank you.

5 CHAIRMAN PEDDIBOYINA: Thank you.  
6 Please go ahead and tell us how we can help  
7 you on this case tonight, and go ahead and  
8 present your case, please.

9 MR. CHAVEZ: Sure. Good evening,  
10 board members. My name is Ernesto Chavez. I  
11 am the founder of the company Bright Loritos.  
12 We have been in business since 2011, so it's  
13 been 11 years. We have three locations, one  
14 in Troy, another one in Rochester, and one in  
15 Novi. We started in Novi in 2015, so it's  
16 been seven wonderful years.

17 What we offer is second language  
18 instruction for children in Spanish, Chinese,  
19 Mandarin, and French, and Arabic too. So our  
20 purpose as a business is to help communities,  
21 families raise bilingual kids so they can  
22 respect other cultures and learn other  
23 languages.

24 When the pandemic started it really  
25 hit us hard, so we mostly have weekly classes,  
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1           like in the evenings as an enrichment program.  
2           So what we're hoping to do is to offer a  
3           pre-school program, a three our program in the  
4           mornings through the State of Michigan. So we  
5           do that also in our Troy and Rochester  
6           locations, so we're familiar with the  
7           licensing process. The State of Michigan  
8           doesn't require an outdoor space if you have  
9           the students for less than three hours, which  
10          is what we intend to do at the Novi location.

11                       MR. CHAVEZ: As you can see -- can  
12          you see this? All right.

13                       CHAIRMAN PEDDIBOYINA: It takes  
14          time, yeah. Go ahead.

15                       MR. CHAVEZ: So our current location  
16          doesn't allow us to have any outdoor space;  
17          there is just no physical way for us to do  
18          that. We tried with the next-door neighbor to  
19          see if there was any possibilities, we  
20          couldn't do it. So we're requesting, you  
21          know, for this variance in order for us to go  
22          ahead and have a three-hour pre-school program  
23          at that location.

24                       CHAIRMAN PEDDIBOYINA: Okay.  
25          Anything you'd like to add?

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1 MR. CHAVEZ: I'm sorry?

2 CHAIRMAN PEDDIBOYINA: Is there  
3 anything you want to say?

4 MR. CHAVEZ: Um, I mean I'm an  
5 educator. Yeah, I think you guys should know  
6 I have a Michigan teaching certificate for K  
7 through 12. I also a Master's degree in early  
8 childhood education. I know there is a reason  
9 why the State of Michigan allows three hour  
10 programs without an outer space. We have a  
11 dynamic program so the kids are going to be  
12 happy. And, you know, we've been doing this  
13 for a long time, so, you know, I think that  
14 we're certain that we can have a really good  
15 program and continue to help our community.  
16 And many parents are requesting that, and it  
17 would really help our business as well.

18 CHAIRMAN PEDDIBOYINA: Okay. Thank  
19 you. Can somebody can close the door, please?  
20 I'm sorry. Okay. That's good. Anybody in  
21 the audience would like to speak on this case?

22 AUDIENCE: (No verbal response).

23 CHAIRMAN PEDDIBOYINA: Okay. Looks  
24 like none. Yeah, very good presentation, and  
25 let's see how things will go. I'm open to my  
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1 board.

2 MR. BUTLER: This is Larry.

3 CHAIRMAN PEDDIBOYINA: Larry, can  
4 you -- from the city, Larry?

5 MR. BUTLER: I just want to let you  
6 know that he did provide the documentation  
7 that allows him with the three-hour classes  
8 that they're doing, that they did not require  
9 an outdoor recreation area.

10 CHAIRMAN PEDDIBOYINA: Okay. Thank  
11 you, Larry. And correspondence secretary.

12 MEMBER MONTAGUE: Correspondence,  
13 there were 27 letters mailed, five returned,  
14 no approvals, no objections.

15 CHAIRMAN PEDDIBOYINA: Thank you.  
16 I'm open to the board, somebody can speak.  
17 Yeah, go ahead.

18 MEMBER MCLEOD: Sorry. Just some  
19 simple questions for --- (indiscernible).  
20 This location has been open, you said, for  
21 about 11 years? And --

22 MR. CHAVEZ: The Troy location,  
23 which was our first one. Novi has been open  
24 since 2015.

25 MEMBER MCLEOD: Okay. So it's been  
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1 open since 2015. You've had children at this  
2 location since 2015, and the outdoor space  
3 hasn't come up until the three to five-year-  
4 olds?

5 MR. CHAVEZ: Right. There was no  
6 need because we offer one-hour classes, so  
7 there is no need for that.

8 MEMBER MCLEOD: Got it. Thank you.

9 CHAIRMAN PEDDIBOYINA: Thank you.  
10 Anybody?

11 BOARD MEMBERS: (No verbal  
12 response).

13 CHAIRMAN PEDDIBOYINA: Okay. Looks  
14 like none. Linda, can you make a motion on  
15 this is case, please?

16 MEMBER KRIEGER: In Case Number  
17 PZ22-0041, for Ernesto Chavez, Bright Loritos,  
18 24293 Novi Road, the applicant is requesting  
19 variance from the Zoning Ordinance, Section  
20 4.12.2.i.a for not having an outdoor  
21 recreation area. 150 square feet per person  
22 cared for is required. The variances  
23 requested will accommodate a three-hour  
24 Spanish immersion pre-school program. It's  
25 zoned General Business. And the petitioner --  
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1 the property is unique because of its not  
2 having an outdoor space and the business;  
3 though they do not need outdoor play time and  
4 it will be below the three-hour required time  
5 for having mandatory outdoor playing.

6 And the petitioner will be  
7 unreasonably prevented or limited with respect  
8 to the use of the property because of their  
9 inability to provide such an outdoor space.  
10 The petitioner did not create the condition  
11 because the area isn't created for that, and  
12 they already have it for indoor use. The  
13 relief granted will not unreasonably interfere  
14 with adjacent or surrounding properties  
15 because of their timing. The relief is  
16 consistent with the spirit and intent of the  
17 ordinance because of minimum requests.

18 CHAIRMAN PEDDIBOYINA: Thank you.

19 MEMBER MCLEOD: One quick question,  
20 if I may, and I ask this of the city. If the  
21 ordinance only requires the outdoor space for  
22 classes -- students being in the location for  
23 more than three hours and the statement is  
24 these children are only going to be at the  
25 location for three hours or less, is the  
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1 variance really necessary or is he already  
2 within the rules of the law?

3 MS. SAAELA: No. The ordinance  
4 requires outdoor play area for any children in  
5 a daycare setting. The law he's quoting is a  
6 state law; it's a separate law that allows him  
7 not to have outdoor play space if he's doing a  
8 three-hour or less class. So we're talking  
9 about two separate ordinances. You need the  
10 Variance Zoning Ordinance because the variance  
11 doesn't differentiate based on time. Our  
12 ordinance does not differentiate based on  
13 time.

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15 MEMBER MCLEOD: Okay. And that's  
16 why I asked the previous question then. He's  
17 been operating --

18 MS. SAAELA: He's only had one-hour  
19 classes before this, the need hasn't come up.

20 MR. CHAVEZ: So that's part of --  
21 more like a tutoring. You know, it's like  
22 swimming or --

23 MS. SAAELA: It's not daycare.

24 MR. CHAVEZ: Yeah. Karate lessons,  
25 what we offered before.

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1 MS. SAAELA: It does not fit within  
2 the definition of daycare in the Zoning  
3 Ordinance.

4 MEMBER MCLEOD: The definition of  
5 daycare, I got it. So that is the difference  
6 between the two ordinances we're look at.

7 MS. SAAELA: We're not looking at  
8 two ordinances. What he's talking about, the  
9 three-hour limit, is a state law. The city  
10 ordinance says any daycare center has to have  
11 an outdoor play area. So his prior use was  
12 not a daycare center, that's why it did not  
13 come up before.

14 MEMBER MCLEOD: Okay. That makes  
15 sense. Thank you.

16 CHAIRMAN PEDDIBOYINA: Okay. Thank  
17 you. Somebody can make a second.

18 MEMBER THOMPSON: Second.

19 CHAIRMAN PEDDIBOYINA: Thank you.  
20 Any other --

21 MADAM SECRETARY: Chairperson  
22 Peddiboyina.

23 CHAIRMAN PEDDIBOYINA: Oh, yes.  
24 Thank you.

25 MADAM SECRETARY: Member Krieger.  
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MEMBER KRIEGER: Yes.

MADAM SECRETARY: Member McCleod.

MEMBER MCLEOD: Yes.

MADAM SECRETARY: Member Montague.

MEMBER MONTAGUE: Yes.

MADAM SECRETARY: Member Thompson.

MEMBER THOMPSON: Yes.

MADAM SECRETARY: Motion passes.

CHAIRMAN PEDDIBOYINA:

Congratulations. Thank you.

MR. CHAVEZ: All right. Thank you so much. I appreciate it.

CHAIRMAN PEDDIBOYINA: Good luck.

And today's final case. PZ22-0043. Drew Gilmour and Kimley-Horn. 27100 Wixom Road, Target Drive-up. Wixom Road, south of Grand River Avenue. Parcel 50-22-17-101-022. The applicant is requesting several variances from the City of Novi Sign Ordinance from Section 28-5(a) for additional ground signs. One ground sign permitted, variance of 14 signs.

Also from Section 28-5(a), a variance requested for two 12-foot high signs. Six feet high maximum allowed, variance of six feet. The variances requested will provide

1 instructions to customers on how to properly  
2 use the drive-up service. This property is  
3 zoned Light Industrial (L-1).

4 Please, go ahead and spell your  
5 first and last name for the Secretary and the  
6 Court Reporter?

7 MR. IMMEL: Good evening. My name  
8 is Jeffrey Immel. That's J-E-F-F-R-E-Y.  
9 I-M-M-E-L. Drew Gilmour couldn't make it this  
10 evening, I'm his co-worker. I also work for  
11 Kimley-Horn. I'm here tonight to represent  
12 the Target Corporation.

13 MEMBER MONTAGUE: Are you a lawyer?

14 MR. IMMEL: I am not.

15 MEMBER MONTAGUE: Do you swear to  
16 tell the truth in this case?

17 MR. IMMEL: I do.

18 MEMBER MONTAGUE: Thank you.

19 CHAIRMAN PEDDIBOYINA: Please go  
20 ahead and tell us how we can help you tonight  
21 in this case and present your case, please.  
22 Go ahead.

23 MR. IMMEL: Great. Thank you. So  
24 what we're proposing tonight is a variance for  
25 ground signs in the parking lot. These ground  
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1 signs will help facilitate the smooth  
2 operation of Target's drive-up service. If  
3 you're unfamiliar with the service, it's a  
4 program that Target offers where you can order  
5 items online or through an app, and then you  
6 go to the store. You're directed to the  
7 drive-up area via our drive-up beacons is what  
8 we're calling them, and then you park in  
9 designated drive-up parking spaces. And you  
10 see the drive-up double-sided post and panel  
11 sign in front of you, which has the space  
12 number on that sign. You enter that space  
13 number into the app, and then Target team  
14 members bring your groceries out to your car.

15 So this service has grown in  
16 popularity a ton in the past couple of years.  
17 And we find that having these signs creates  
18 the most efficient and safe environment,  
19 making sure that people understand where the  
20 drive-up area is so they're not driving around  
21 endlessly looking for it.

22 We also feel that since this is a  
23 single tenant lot, there won't be an impact to  
24 the surrounding parcels here. This is really  
25 going to be contained solely in Target's  
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1 parking lot. That's basically all I have. If  
2 there are any questions, I'm prepared to  
3 answer them.

4 CHAIRMAN PEDDIBOYINA: Okay. Thank  
5 you. Can you show me the signs -- where the  
6 signs are going; do you have a layout of that?

7 MR. IMMEL: Yeah. So this is a --  
8 as you can see, here is the Target parking  
9 lot, right? And in our signs we have the two  
10 signs we're proposing, two types of signs.  
11 Sorry, it's a bit hard to see with the glare.  
12 We have our beacons, which are the solar  
13 powered; it's these signs here. There's two  
14 of these going at either end of the drive-up  
15 area, here and here. And then we have our  
16 double-sided post and panel signs, which  
17 indicate the space number; these are these  
18 signs. And these signs go at the head of each  
19 of the proposed parking stalls. So there's 12  
20 of these total for the 24 proposed spaces.

21 CHAIRMAN PEDDIBOYINA: Where is the  
22 ground sign going, the ground sign?

23 MR. IMMEL: Excuse me?

24 CHAIRMAN PEDDIBOYINA: In the  
25 application, you mentioned one ground sign.  
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1 MR. IMMEL: There are 14 proposed  
2 ground signs.

3 CHAIRMAN PEDDIBOYINA: Okay. Yeah,  
4 14 signs. These signs are polls you showed me  
5 like that?

6 MR. IMMEL: I'm sorry. I don't  
7 understand the question.

8 CHAIRMAN PEDDIBOYINA: The signs are  
9 poles, no?

10 MR. IMMEL: Yes. Yeah, that's  
11 correct. The one type of sign, the drive-up  
12 beacon, in quotations. (Gesturing).

13 CHAIRMAN PEDDIBOYINA: You mentioned  
14 those are the solar powered or what?

15 MR. IMMEL: Yes. They're solar  
16 powered. The electronics are entirely  
17 contained within the sign there. The solar  
18 power is because at night these are  
19 illuminated. They produce a modest amount of  
20 light to shine through these acrylic pieces  
21 here. The letters and that emblem at the top  
22 of the beacon are illuminated.

23 CHAIRMAN PEDDIBOYINA: You mentioned  
24 that these are the drive-through (sic) signs,  
25 no?

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1 MR. IMMEL: Yes, these are the  
2 drive-up signs, yes. There's two of these and  
3 14 of these signs. So there's 14 of these  
4 ones -- sorry. Excuse me -- 12 of these signs  
5 going in the head of each of the drive-up  
6 stalls, and two of the beacon signs at either  
7 end of the drive-up area.

8 CHAIRMAN PEDDIBOYINA: Okay. Is  
9 this location only? Is Target incorporate is  
10 incorporating in all the locations or one in  
11 this location?

12 MR. IMMEL: This is happening at  
13 Target's all over the nation.

14 CHAIRMAN PEDDIBOYINA: Nationwide?

15 MR. IMMEL: Yes.

16 CHAIRMAN PEDDIBOYINA: Thank you.  
17 Okay. Larry, from the city.

18 MR. BUTLER: No comments from the  
19 city.

20 CHAIRMAN PEDDIBOYINA:  
21 Correspondence.

22 MEMBER MONTAGUE: Thirteen letters  
23 were mailed, one returned. No objections, no  
24 approvals.

25 CHAIRMAN PEDDIBOYINA: Thank you.  
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1 Anybody in the audience would like to speak?  
2 Anyone in the audience? Looks like none.  
3 Okay. Open to the board. Yeah. Please, go  
4 ahead.

5 MEMBER THOMPSON: You said they're  
6 lit up at night for people to see. Do they  
7 turn off when the store is closed or when that  
8 light functions --

9 MR. IMMEL: The schedule of the  
10 illumination will run on the same schedule as  
11 the wall signs that are currently present. So  
12 whatever was in place for those, if it was  
13 turned off when the store is closed, then it  
14 would be the same for those solar panels --  
15 for the solar beacons.

16 MEMBER MONTAGUE: This row is where  
17 you currently have your -- I mean you've got  
18 what, six or eight there now currently, and  
19 then you're extending that; is that the same  
20 row?

21 MR. IMMEL: That's right. Yes. So  
22 due to increased demand, we're increasing from  
23 two, four, six, eight, 12 to 24, doubling the  
24 amount of spaces available for this drive-up  
25 service.

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1 MEMBER MONTAGUE: Okay. Thank you.

2 CHAIRMAN PEDDIBOYINA: Member  
3 Thompson, do you want to speak anything on  
4 this?

5 MEMBER THOMPSON: The question  
6 wasn't really answered; but no, I get it  
7 unless I missed something.

8 CHAIRMAN PEDDIBOYINA: Any other  
9 board member?

10 MR. BUTLER: Mr. Chairman.

11 CHAIRMAN PEDDIBOYINA: Yes, go  
12 ahead, please.

13 MR. BUTLER: I believe he mentioned  
14 that the luminars of those signs, they're in a  
15 low -- the brightness of those lights, they're  
16 not lighting up the whole parking lot; am I  
17 correct? Could you expound on that a little  
18 bit more, the luminars of the signs?

19 MR. IMMEL: Yeah, it will provide  
20 lighting. I don't have the exact illumination  
21 figures on hand; I could provide that if the  
22 city would like that. But they're not  
23 intended to light the area, they're just  
24 intended to be visible in low light  
25 conditions.

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1 MR. BUTLER: So people can drive up  
2 and see that's where they're supposed to be,  
3 see the numbers and stuff?

4 MR. IMMEL: That's right.

5 CHAIRMAN PEDDIBOYINA: Yeah, the  
6 reason it's not going to be too bright and  
7 distractions like that. And also my fellow  
8 Board Member Thompson is asking, the timing,  
9 the shopping hours timing, these lights will  
10 be on and off?

11 MR. IMMEL: Yeah. It depends on the  
12 individual store.

13 CHAIRMAN PEDDIBOYINA: Yes, that's  
14 true.

15 MR. IMMEL: So I'm not aware of that  
16 store's practices. If it's the city's  
17 request, they can schedule to only be on  
18 during store hours.

19 CHAIRMAN PEDDIBOYINA: Okay. Any  
20 other board member would like to speak? Yeah,  
21 Linda. Just go ahead.

22 MEMBER MCLEOD: Sorry.

23 CHAIRMAN PEDDIBOYINA: I'm sorry, I  
24 didn't ask you. Go ahead.

25 MEMBER MCLEOD: Just some very basic  
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1 questions here. The signs that are there  
2 now -- I did see like the tall -- I guess a  
3 tall 12 foot sign that was put up, is that the  
4 exact same one you're going to put on both  
5 ends of the parking lot?

6 MR. IMMEL: Yes. So the current  
7 beacon that is there now --

8 MEMBER MCLEOD: Yes.

9 MR. IMMEL: -- we're proposing to  
10 remove that -- that's about 10 feet.

11 MEMBER MCLEOD: Okay. But the  
12 beacon and the signs that are currently there,  
13 those were already previously approved in some  
14 way, I'm guessing?

15 MR. IMMEL: I'm not sure; I can't  
16 speak to that.

17 MEMBER MCLEOD: Okay. The reason I  
18 ask is because you mentioned that those signs  
19 currently exist, but you're asking permission  
20 for like 12 more to go down the parking lot.  
21 The reason why I comment is because I want to  
22 be sure I understand the variance correctly,  
23 because it says one ground sign permitted  
24 variance of 14. You actually have six signs  
25 there already and you're trying to variance on  
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1 top of that. So I hope that doesn't disrupt  
2 any of the approvals that we may or may not  
3 give.

4 Secondly, I just want to confirm  
5 that the taller sign that's there now is  
6 correct. So it looks like you're looking for  
7 an additional 12 foot sign variance of six  
8 feet. And then the other signs, look like  
9 they're already six feet within the ordinance,  
10 you're just looking to add more of them down  
11 the line, 12 more -- or 13 more, whatever that  
12 number may be?

13 MR. IMMEL: That's correct.

14 MEMBER MCLEOD: Okay. That was my  
15 question. I was trying to make sure I  
16 understand the full scope. Thank you.

17 CHAIRMAN PEDDIBOYINA: Thank you.  
18 Now, Linda.

19 MEMBER KRIEGER: I have a question  
20 regarding the height, the 12 feet, how they  
21 decided that. Because I've gone to other  
22 parking lots and they have similar ones, but  
23 they're at six feet and they're near the door.  
24 Whereas this one, when I drove by, I did see  
25 the 12 feet one. I'm worried about safety,  
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1           how easy it is for so many people to drive  
2           into those things and it topple over on their  
3           vehicle or on a person. Yeah, it would --  
4           because of covid and people being afraid to go  
5           -- or also the convenience of going into the  
6           store, I can understand the need for it, but  
7           my concern is for the 12 feet, if you could  
8           explain that.

9                       MR. IMMEL: Yeah. So the 12 feet  
10           height was chosen to accommodate a busy  
11           parking lot. When you have a parking lot that  
12           is crowded with cars, that 12 feet is  
13           necessary so you can see the beacon from a  
14           distance over the height of the cars.

15                      As for any concerns with its  
16           structural capability, I can assure you that  
17           we design it to meet the standards of Michigan  
18           Structural Code. The pole, itself, sits on  
19           top of a two foot concrete foundation, so it's  
20           extremely sturdy.

21                      MEMBER KRIEGER: Okay. But the  
22           anticipation is that you're going to look for  
23           the drive-up near the entrance or -- so --

24                      MR. IMMEL: So the drive-up is  
25           typically not placed at the entrance of the  
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1 store, it's placed off to the side at a  
2 different employee entrance, exit. So let's  
3 see if I can get a better -- okay. So the  
4 Target entrance is here -- and this is  
5 actually one of two pick-up services that  
6 Target offers; one where you pick-up groceries  
7 by actually entering into the store, and then  
8 the other is the drive-up service, which is  
9 here. So the drive-up service, the employees  
10 that are running back and forth -- not  
11 running, moving their groceries back and forth  
12 utilize a separate door that is not meant for  
13 customers coming in and out. So these beacons  
14 are essential to show that that drive-up area  
15 is here and not at the entrance of the store.

16 MEMBER KRIEGER: For the city, if  
17 somebody was to hit something like that, and  
18 we approve it, is there any condition for the  
19 city?

20 MS. SAAELA: No.

21 MEMBER KRIEGER: Okay.

22 MS. SAAELA: He indicated there is a  
23 standard they have to meet for safety. As  
24 long as they meet those safety standards, the  
25 city doesn't have authority to redesign those  
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1 safety standards.

2 MEMBER KRIEGER: Okay.

3 CHAIRMAN PEDDIBOYINA: Okay. Thank  
4 you. Mr. Thompson, make a motion?

5 MEMBER THOMPSON: I approve that we  
6 grant the variance of Case PZ22-0043, sought  
7 by Kimley-Horn, who is representing Target,  
8 for ground signs because the petitioner has  
9 shown difficulty acquiring ground signage.  
10 Without the variance, the petitioner would be  
11 unreasonably prevented or limited with respect  
12 to the use of the property because it is a  
13 single tenant lot. The property is unique  
14 because it does have a stand-alone building.  
15 The petitioner did not create the condition  
16 because the zoning was written before this  
17 type of service was really even thought of.  
18 The relief granted would not unreasonably  
19 interfere with adjacent or surrounding  
20 properties because the neighbors --

21 MS. SAAELA: Before you go on, I  
22 just want to point out the motion standards  
23 that were passed out at the beginning of the  
24 ZBA, Section 28-15 appeals that were handed  
25 out; those are the standards for this motion.

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1 So when you're reading through the facts that  
2 the request is based on circumstances and  
3 features that are exceptional, is that the one  
4 that you -- it's not the one in the packet,  
5 that's the motion.

6 MEMBER THOMPSON: Okay.

7 MS. SAAELA: Yep. It's almost the  
8 same, but these standards are a little bit  
9 less strenuous to meet. So the facts will  
10 almost be the same, but they will fit in in a  
11 different way so that it's not as hard to get  
12 the variance. So it's A through -- it's  
13 Subsection B, under 28-15 there. Subsection  
14 3, A through D, those are the standards. So  
15 that the request is based on the circumstances  
16 or features that are exceptional, unique to  
17 the property, and do not result from  
18 conditions that exists generally in the city.  
19 Those are the standards -- or that are  
20 self-created.

21 MEMBER THOMPSON: So the A would be  
22 the A?

23 MS. SAAELA: You have to provide  
24 facts for A through D there.

25 CHAIRPERSON PEDDIBOYINA: Oh, A  
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through D.

MEMBER THOMPSON: So without the variance, the petitioner would be unreasonably prevented or limited with respect to use of the property because the request is based upon circumstances or features that are exceptional and unique to the property and do not result from conditions that exist generally in the city or were self-created, right?

MS. SAAELA: Yep.

MEMBER THOMPSON: There we go. The property is unique because the failure to grant relief will unreasonably prevent or limit the use of the property and will result in substantially more than mere inconvenience or inability to attain a higher economic or financial return.

The petitioner did not create the condition because the grant of relief would be offset by other improvements or actions, such as increased setbacks or increased landscaping such that will not affect the result of an improvement of the property or the project. The relief granted will not unreasonably interfere with adjacent or surrounding

1 properties because --

2 MS. SAAELA: So I think -- before I  
3 -- so I think you're mixing the two standards  
4 together. Ignore what's in the packet all  
5 together; those are the wrong standards.  
6 Those apply --

7 MEMBER THOMPSON: Ignore the sheet?

8 MS. SAAELA: Yes, ignore that sheet  
9 and just read the A through D there --

10 MEMBER THOMPSON: Got'cha.

11 MS. SAAELA: -- and add facts from  
12 it. So for the first one, that the request is  
13 based upon circumstances or features that are  
14 exceptional and unique to the property, do not  
15 result from conditions that exists generally  
16 in the city or that are self-created. Because  
17 the applicant is a nationwide chain that is in  
18 need of directional signage within its current  
19 location. So that's where you fit the facts  
20 in. You just ignore the first one all  
21 together.

22 MEMBER THOMPSON: (Indiscernible) --  
23 construction of the performance site would  
24 require the removal or significant alterations  
25 of natural features of the property. Then  
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we're on to E. The relief is consistent --

MS. SAAELA: There is not an E.

MEMBER THOMPSON: There's not an E?

MS. SAAELA: No, because you're on 28-15, it's just Subsection 3, A through D, period. That's it.

MEMBER THOMPSON: A through --

MS. SAAELA: D.

MEMBER THOMPSON: D. Okay.

CHAIRMAN PEDDIBOYINA: 28-15, A through D.

MEMBER THOMPSON: A through D. So under Number C, the Zoning Board of Appeals may revoke any grant of the variance for violation --

MS. SAAELA: I'm not sure if we're following the right thing here. So if you go -- you have the Section 28-15 Appeals. You have Subsection A and B there, which says "The Zoning Board of Appeals shall have authority to correct errors, interpret provisions, grant various relief from the provisions of this chapter." So then you go under that Subsection 3 and you have that A, B, C, and D, those are the standards that you're using;



1 that's how you make your motion.

2 So ignoring that sheet that was in  
3 the packet -- so you have to say why do you  
4 believe the request is based on circumstances  
5 or features that are exceptional and unique to  
6 this property. And then you have to say what  
7 the failure to grant relief will  
8 unreasonably prevent the petitioner from  
9 using its for drive-up service. And that the  
10 grant of relief would be offset by other  
11 improvements or actions, such as increased  
12 setbacks or landscaping.

13 In this case he's saying the  
14 property is surrounded by trees, they're the  
15 only tenant of this property, so it can't be  
16 seen from the road. So that offsets the fact  
17 that they're increasing the number of signage.  
18 And that D, "The construction of the signs  
19 would require the removal or significant  
20 alteration of natural features of the  
21 property." I'm not sure that really applies  
22 here.

23 So it's these standards you're  
24 focusing on. Ignore the stuff in the packet  
25 where it's talking about practical difficulty  
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1 and will be unreasonably prevented and the  
2 property is unique, those don't apply to this  
3 case; that applies to dimensional variance.  
4 Sign variance is something different from a  
5 different ordinance and it has its own  
6 standards. So it's not a question of what's  
7 in the packet. That was -- that's an error in  
8 the packet.

9 MEMBER THOMPSON: Okay.

10 MS. SAAELA: So the motion needs to  
11 be just based on what was handed out at the  
12 beginning of the meeting.

13 MEMBER THOMPSON: Okay.

14 CHAIRMAN PEDDIBOYINA: Second?

15 (Laughter)

16 MEMBER MONTAGUE: What she said.

17 MS. SAAELA: So you can accept what  
18 I said as fact.

19 CHAIRMAN PEDDIBOYINA: Okay. This  
20 is the one our attorney has mentioned.

21 MEMBER KRIEGER: He accepts what she  
22 said. Incorporate what was said in the --

23 CHAIRMAN PEDDIBOYINA: Okay.  
24 Including Member Thompson, so what is  
25 mentioned in the motion, and also followed by  
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1 the attorney, Elizabeth Saaela --  
2 (indiscernible) under Section 28-15 from A  
3 through D. And from the B Subsection 1, 2, 3  
4 and 3 A, B, C, D, and C, D. And D, 1, 2, 3.  
5 Thank you. Somebody can make a second.

6 MEMBER KRIEGER: Second.

7 MEMBER MCLEOD: I didn't understand  
8 that.

9 CHAIRMAN PEDDIBOYINA: No. I make  
10 it -- okay. Thank you, Linda. Any -- Anita,  
11 can you call roll-call please?

12 MADAM SECRETARY: Chairperson  
13 Peddiboyina.

14 CHAIRMAN PEDDIBOYINA: Yes, please.

15 MADAM SECRETARY: Member Krieger.

16 MEMBER KRIEGER: Yes.

17 MADAM SECRETARY: Member Mr. McLeod.

18 MEMBER MCLEOD: Yes.

19 MADAM SECRETARY: Member Montague.

20 MEMBER MONTAGUE: Yes.

21 MADAM SECRETARY: Member Thompson.

22 MEMBER THOMPSON: Yes.

23 MADAM SECRETARY: Motion passes.

24 CHAIRMAN PEDDIBOYINA:  
25 Congratulations. Good luck.

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MR. IMMEL: Thank you.

CHAIRMAN PEDDIBOYINA: Any other thing apart from these two cases before I adjourn the motion?

BOARD MEMBERS: (No verbal response).

CHAIRMAN PEDDIBOYINA: All in favor?

BOARD MEMBERS: Aye.

CHAIRMAN PEDDIBOYINA: Thank you.

(Meeting adjourned at 7:37 p.m.)

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