

MEETING - ZONING BOARD OF APPEALS

CITY OF NOVI

TUESDAY, JANUARY 10, 2023 7:00 p.m.

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

BOARD MEMBERS:

Linda Krieger, Chairperson

Clift Montague, Secretary

Michael Longo

Michael Thompson

Jay McLeod

ALSO PRESENT:

Elizabeth Saarela, City Attorney

Lawrence Butler, Comm. Development, Dep. Director

Anita Sophia Wagner, Recording Secretary

Nina Schaffrath, Assistant Recording Secretary

Reported by:

Darlene K. May, Certified Shorthand Reporter

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Novi, Michigan

Tuesday, January 10, 2023

7:00 p.m.

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CHAIRPERSON KRIEGER: Good evening and welcome to the Novi Zoning Board of Appeals for January. Today is the 10th, already, 2023. And if we could all rise and place our hands on our heart and say the Pledge of Allegiance led by Member Longo.

(Pledge of Allegiance recited.)

CHAIRPERSON KRIEGER: Anita, if you could call the roll.

MS. WAGNER: Chairperson Peddiboyina, absent, excused.

Member Longo?

MEMBER LONGO: Here.

MS. WAGNER: Member McLeod?

MEMBER McLEOD: Here.

MS. WAGNER: Member Montague?

MEMBER MONTAGUE: Here.

MS. WAGNER: Member Krieger?

MEMBER KRIEGER: Here.

MS. WAGNER: Member Thompson?

1 MEMBER THOMPSON: Here.

2 CHAIRPERSON KRIEGER: Okay. Very good. This
3 is a public hearing. Format and our rules of conduct
4 are -- there's a paper in the back as you walk in. And
5 if you could, put your phones to -- ringtones to
6 silent.

7 And we have an agenda tonight with two cases.
8 Are there any changes to the agenda?

9 MS. WAGNER: No changes.

10 CHAIRPERSON KRIEGER: Okay. So move to
11 approve the agenda, anyone?

12 MEMBER McLEOD: Move to approve the agenda.

13 MEMBER LONGO: Second.

14 CHAIRPERSON KRIEGER: Okay. Have a motion
15 and a second. All in favor.

16 THE BOARD: Aye.

17 CHAIRPERSON KRIEGER: Okay. Any opposed?

18 Seeing none. We have an agenda.

19 Minutes for December 2022, any changes?

20 MS. WAGNER: No changes.

21 CHAIRPERSON KRIEGER: Okay. None from the
22 board?

23 Okay. So we have a -- do we have a motion to

1 approve the minutes for December?

2 MEMBER LONGO: So moved.

3 CHAIRPERSON KRIEGER: Second anyone?

4 MEMBER McLEOD: Second.

5 CHAIRPERSON KRIEGER: Okay. We have a motion
6 and a second. All in favor?

7 THE BOARD: Aye.

8 CHAIRPERSON KRIEGER: Any opposed?

9 (The Court Reporter asked for clarification.)

10 CHAIRPERSON KRIEGER: All in favor?

11 THE BOARD: Aye.

12 CHAIRPERSON KRIEGER: Any opposed?

13 None opposed so we have minutes approved.

14 Public remarks. If anyone has anything to
15 say regarding anything other than the variances for
16 tonight, you could come up to the podium at this time.

17 Okay. Seeing none. Close that.

18 We'll go to our public hearings and the first
19 one is PZ22-0063, Boyd Creech, American Made
20 Construction, for 1185 South Lake Drive, Parcel
21 50-22-03-377-018. The applicant is requesting a
22 variance from the City of Novi Zoning Ordinance from
23 Section 3.1.5 for a front yard setback of 17.17 feet,

1 30 required, variance of 12.83 feet, for a proposed new
2 second floor addition and deck below. This property is
3 zoned One-Family Residential, R-4.

4 So if the petitioner could come up to the
5 podium and state their name and spell it for our court
6 reporter and then swear in for our secretary, if you're
7 not an attorney.

8 MS. FASSEEL: My name is Danielle Fasseel.
9 Do you want me to spell it? D-a-n-i-e-l-l-e, F like in
10 Frank, A-s-s-e-e-l.

11 I live at 1185 South Lake Drive.

12 MEMBER MONTAGUE: Are you an attorney?

13 MS. FASSEEL: No.

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

16 MS. FASSEEL: Yes.

17 MEMBER MONTAGUE: Thank you.

18 CHAIRPERSON KRIEGER: All right. Very good.
19 So proceed with your request.

20 MS. FASSEEL: Okay. So ever since we've
21 moved into this house we've been slowly making
22 improvements, and right now we were thinking about our
23 kids. We have a two-year-old and a five-year-old. And

1 we have a very large front yard, but it's not really
2 safe for them to play in it because our street is very,
3 very busy and there's a lot of people speeding on it.
4 So we were planning on moving our driveway so we could
5 go right into -- so the driveway would be in the front
6 yard and then we would have the side yard where our
7 porch is for the kids to play, put a trampoline and
8 then put a deck for them to play on.

9 The reason why we're putting a roof over the
10 porch 'cause we already have the second story porch,
11 but it's rotting. It's not safe to go on. We don't
12 ever stand on it. But we wanted to put a roof on it
13 and windows because me and the girls can't go outside
14 at night because of mosquitos. We just get bitten up
15 like crazy. So it kind of came to us that instead of
16 just replacing the porch, we wanted to put screens and
17 windows and a roof on it so we can enjoy the lake
18 without getting eaten to pieces at night.

19 And then the part of the reason why we need
20 the -- we were going to have the deck attached to the
21 front porch because we have steps to the front porch
22 that have fallen off twice and we've repaired them, and
23 so we were going to just replace it with a wooden deck

1 instead.

2 I also have --

3 CHAIRPERSON KRIEGER: Yeah. If you have
4 overheads, please put them up.

5 MS. FASSEEL: I have pictures. I don't know
6 if I should put them on there.

7 MR. CREECH: Should I hand them out?

8 (The Court Reporter asked for clarification.)

9 MR. CREECH: I'm sorry. I'm Boyd. Boyd
10 Creech, American Made Construction. B-o-y-d. That is
11 my first name. Last name is Creech, C-r-e-e-c-h.

12 CHAIRPERSON KRIEGER: If they're all the
13 same, if you had them for passing out, that's fine. If
14 not, it's easier for the overhead then we can all see
15 them at the same time and those at home, too.

16 MS. FASSEEL: Sure. I also have my one
17 neighbor, he wrote that he wanted -- that he was okay
18 with this. I don't know if I should show it to you.

19 He --

20 CHAIRPERSON KRIEGER: Is it in the packet?

21 MS. FASSEEL: No. Can I not show it?

22 MS. SAARELA: She can put it up there.

23 CHAIRPERSON KRIEGER: Yeah, you can put it up

1 there.

2 MS. FASSEEL: Okay. His name is Carl Travis.
3 He lives in the condominiums right next to us and he
4 put that: "I approve this request for a variance as it
5 will improve and increase the value of the neighboring
6 properties."

7 It says it right here.

8 CHAIRPERSON KRIEGER: Okay. So then you can
9 make a copy after and give it to the planning
10 department.

11 MS. FASSEEL: Okay. Yeah.

12 So I have pictures of part of the reason why
13 we're replacing the driveway. As you can see that
14 it's -- the person that did the driveway cut it out and
15 it's an inch and a half down. So it's actually very
16 unsafe, very hard to remove snow. We've had friends
17 fall.

18 And then these are our porch steps that we
19 have fixed twice that are falling off which is why we
20 are going to replace it with a deck.

21 And then the porch, the second story porch,
22 you can see that it's -- the way it was constructed,
23 it's falling apart. It's been falling apart. We're

1 just now getting to it.

2 (Document displayed.)

3 MR. CREECH: (Demonstrating) Yeah, this,
4 from underneath. So I did some exploratory down to see
5 what I was getting myself into. And obviously there's
6 some dilapidation. And then -- this is from underneath
7 and you can see, I did some exploratory. I wanted to
8 see what was actually involved inside here. And this
9 grate represents above. Okay.

10 And then this is the actual surface of the
11 deck above. That's why nobody walks up there.

12 CHAIRPERSON KRIEGER: So you're going to be
13 replacing that if --

14 MR. CREECH: Well, it has -- something has to
15 be done and that was my whole proposal is to do -- they
16 wanted to do an enclosed porch instead of just an open
17 deck like it's existing now.

18 MS. FASSEEL: So we have the porch here.

19 MR. CREECH: And this is -- that's the side
20 view of it.

21 CHAIRPERSON KRIEGER: So you're going to
22 rebuild it and the footprint is -- the variances for
23 the footprint that already exists?

1 MR. CREECH: Yes.

2 CHAIRPERSON KRIEGER: Okay.

3 MS. FASSEEL: It's going to be the exact --

4 MR. CREECH: It's going to be the exact same
5 footprint. We're not asking for anything more. Matter
6 of fact, so this -- this is the column that holds
7 everything up. And if you look at the blueprints, that
8 column would be replaced with a steel one. There is a
9 steel beam right here now that holds up all of this.
10 There's a steel column inside of here that holds up all
11 this wood deck right now.

12 CHAIRPERSON KRIEGER: Okay. And you're going
13 to replace that?

14 MR. CREECH: Yes.

15 CHAIRPERSON KRIEGER: Okay.

16 MR. CREECH: I want to replace all of it.
17 It's just not safe.

18 CHAIRPERSON KRIEGER: Very good.

19 MS. FASSEEL: And then we're proposing to put
20 a wood deck underneath it where the driveway is.

21 CHAIRPERSON KRIEGER: It would be on the same
22 footprint?

23 MS. FASSEEL: Same --

1 MR. CREECH: Yeah.

2 CHAIRPERSON KRIEGER: Okay.

3 MS. FASSEEL: Where the driveway is, same
4 footprint underneath. It will not be sticking out
5 further than the deck we already have.

6 CHAIRPERSON KRIEGER: Okay.

7 MS. FASSEEL: Thank you so much for your
8 time.

9 CHAIRPERSON KRIEGER: All right. Thank you.
10 You can stay there and we're going to go on
11 to the city and the correspondence. So we'll still
12 need you.

13 MS. FASSEEL: Oh, okay. Sorry.

14 CHAIRPERSON KRIEGER: All right. And then
15 also, in the public, if there's anything regarding this
16 case, regarding the variance. And there's a three
17 minute time limit that it has to be regarding the
18 variance. And if you could speak -- state your name
19 and spell it also for our court reporter.

20 Anyone?

21 Come ahead.

22 MS. DUCHESNEAU: My name is Dorothy
23 Duchesneau and I live directly west of the applicant at

1 1191 South Lake Drive. I have not always agreed with
2 their choices, but until now I have not made objections
3 to the four other expansions and remodels that they
4 have done to the home. Each of these show number one,
5 number two, number three and now we're at number four.
6 Their home has now grown to 3,794 square feet.

7 The plans, as submitted, lean to adversely
8 impacting drainage between our homes and their's,
9 lowering our property's resale value based on the newly
10 created visual perceptions of our property. And also
11 reducing the enjoyment of my home based on what they
12 want to do with brick pavers and additional spaces.

13 The deck was functional until it was not
14 maintained by the current property owner. Dilapidation
15 is self-created. The enclosed sunroof is not our
16 issue. Completing the rest of the sunroom improvement
17 as proposed in the submitted plan forces the garage
18 entrance on the front -- to the front in order to get a
19 raised front patio under the sunroom, where the side
20 entry is now located. Those changes will directly
21 affect us since the sunroom with a raised patio under
22 it forces them to make this or not have garage access
23 at all.

1 Issues with the expanding driveway will cause
2 drainage issues. We already have them. The ZBA
3 allowed a third story addition two years ago. That
4 third story roof flows to the -- second roof flows to
5 the driveway. There was in this driveway area a raised
6 landscape pad. It is being removed to add the
7 anticipated driveway.

8 They want cement all the way over to the far
9 edge. They want right-of-way pavers in the area in
10 front of our property on the lake. Their driveway will
11 be removed. Their entrance to the side will be
12 removed. Everything is being pushed to the west.

13 We would have suggested expanding the parking
14 to the east of the driveway by the front door, put the
15 pavers in front of your own lake lot, keep the grass
16 buffer at least 16 feet from the property line, but we
17 were never consulted.

18 In real estate it's location and appeal.
19 Just because it's allowed, devaluating my property by
20 crowding us is just unconscionable as a neighbor.
21 Their house will look great. My property's getting
22 devalued. We only have 27 foot property in front.
23 They have 70.

1 The ZBA request claims that the sunroom
2 addition has no negative effect on the neighborhood. I
3 disagree. The negative effect as a result of this
4 remodel interferes with our property because they can't
5 do it unless they move the garage doors to the front.

6 The rules of procedure say they will have
7 informed the adjacent neighbor and any other person
8 directly affected. I can't be any more directly
9 affected. I'm there. I own here. I own back here.
10 They don't have anybody else.

11 CHAIRPERSON KRIEGER: Ms. Duchesneau. I'm
12 sorry, Mrs. Duchesneau, I appreciate your input, but
13 it's regarding the variance. The variance request.

14 MS. DUCHESNEAU: My response to that is I
15 strongly object because that's the only answer I can
16 give at this point. Thank you.

17 CHAIRPERSON KRIEGER: All right. Thank you.

18 MR. DUCHESNEAU: I think my wife already
19 covered some of this as far as where the properties
20 are.

21 Mike Duchesneau, 125 Henning. 125 Henning is
22 the house that's directly behind them.

23 We own the two lake lots here on the lake

1 side. They own the one lakeside lot here. This is the
2 boundary of their property. This is the boundary of
3 our house. And then I have a house here that we use.
4 And then an empty lot that's buildable. So we own five
5 parcels around them. We own three sides of their
6 house. We are to the north, to the south and to the
7 west. We are the only neighbor that's really affected
8 by this, other than the seniors.

9 I've looked at the drawings that they've
10 submitted. Last summer Danielle in a casual
11 conversation approached me. She's the homeowner. She
12 mentioned in passing that they were planning some more
13 major changes and that we would not like it. We did
14 not find out what was being proposed until December
15 22nd. They never contacted us and we never had any
16 input on this. And yet the drawings that are in your
17 packet or in the packet show that this proposal was
18 started in June of 2021.

19 She was right, we do not like it. What we
20 find is -- I'm a registered -- I'm a retired registered
21 professional engineer. I've reviewed the drawings
22 included in the packet. I find them incomplete and
23 disturbing as far as drainage, elevation changes,

1 parking locations and the impacts to our house next
2 door. One example of this is shown in GM2 (phonetic)
3 of the packet. It shows a four by nine concrete slab
4 sloped to the neighbor. And this is our neighbor. We
5 are the neighbor. This is in the packet.

6 Now, to get a better feel for what's going
7 on, this is a Google map showing their current
8 downspout, the gutter -- the gutter, the downspout
9 and -- and a gutter and downspout that goes towards the
10 front. What I'd like to show, though, is that on the
11 aerial map from the -- this is from the City of Novi
12 land records, they used to have all in the front here a
13 raised water retention area. And this water retention
14 area is five, four-inch thick blocks high. So it's 20
15 inches high at the property line.

16 CHAIRPERSON KRIEGER: Mr. Duchesneau, could
17 you wrap it up for me?

18 MR. DUCHESNEAU: I apologize. I'm almost
19 done.

20 The plot plan and elevations as shown on
21 sheet one of one in the package included the package
22 that you have, okay. The plot plan elevation shown on
23 sheet one of one in your package is dated September

1 29th of 2022, and it includes unapproved grading and
2 elevation changes made by the homeowner the month
3 before.

4 These changes occurred approximately August
5 11th of '15. Changes were made to the front, rear and
6 east side yards of the house without approval or review
7 by the City of Novi or the affected neighbors.

8 These changes included the addition -- the
9 addition of rock walls, the addition of dirt up to
10 almost two feet thick on my property 125 Henning. In
11 conclusion, the applicant has no unnecessary hardship.
12 This is self-created. The current deck was part of the
13 1980 construction of the house and existed when the
14 current owner purchased the house in 2009.

15 As the applicant states, it has become
16 dilapidated. The deck can be replaced without any ZBA
17 variances. The additional bulk created by the house
18 and the proposed patio increases the existing
19 nonconforming setback. I am requesting the board to
20 deny the variance because the applicant has not shown
21 unnecessary hardship and at least multiple garage
22 driveway and drainage changes adversely impacting us.
23 Thank you.

1 CHAIRPERSON KRIEGER: Very good.

2 All righty. And just a reminder, the
3 variance is regarding the front yard setback for the
4 zoning 17.17 feet, 30 feet required. Variance of 12.83
5 feet. And from our understanding, that that is the
6 already existing setback of the nonconforming property.

7 All right. If you could -- would you like a
8 rebuttal on that? If you could address --

9 MR. CREECH: I would like to, please.

10 CHAIRPERSON KRIEGER: Yeah. The construction
11 regarding our variance.

12 MR. CREECH: Again, I'm Boyd. I did try to
13 notify the neighbor and have a talk before this
14 meeting. Unfortunately it was not adequate. It was
15 some time this afternoon, Danielle, we contacted.

16 MS. DUCHESNEAU: This afternoon?

17 MR. CREECH: Yes.

18 CHAIRPERSON KRIEGER: Wait, wait, wait.

19 MS. FASSEEL: I talked to Mike this summer
20 when he approached me and when I was gardening and he
21 said that if we did anymore changes to the house, they
22 would come and not support it. I told him that we were
23 planning on moving the driveway. And he had an

1 argument with me about why we don't need to move our
2 driveway.

3 So we have talked about this before. I might
4 not have shown him the plans, but we told them we
5 were planning --

6 MS. SAARELA: Can I just interject?

7 MS. FASSEEL: Yes.

8 MS. SAARELA: There's no statutory
9 requirement to go personally notify the neighbors and
10 get your decisions approved ahead of time. Statutory
11 requirement is for the public notice to be sent out
12 15 -- at least 15 days before the hearing by the city,
13 which was done in this case.

14 So all the legal requirements for notice were
15 sent out. There is no legal requirement or any actual
16 requirement for the applicants to go --

17 CHAIRPERSON KRIEGER: It's just common
18 courtesy.

19 MS. SAARELA: -- personally door-to-door and
20 ask for an approval. That's not a requirement.

21 MR. CREECH: Okay. So my proposal is to just
22 keep the peace regardless. So my thought was, if we
23 just remove -- there was an angled slope potential for

1 the garbage cans to be on the side. Definitely want to
2 remove that and the other parking area which would make
3 just the driveway, no parking area off to the side.
4 All the concrete to the right of the driveway would be
5 removed.

6 MS. FASSEEL: Which we've talked to them last
7 week. Mike approached us and we said we would be
8 willing to remove the additional parking on the side,
9 which is what their problem is.

10 The other thing is that deck, there was
11 another additional deck. They had a picture of it on
12 the other side. And when we bought the house, it was
13 not construct -- the way it was constructed, it was
14 leaking into our garage causing black mold. And we
15 actually had to replace that deck when we bought the
16 house as part of buying the house because it was a
17 short sale, and either get rid of it or close it in
18 because it was causing black mold. And this deck is a
19 portion of that deck. So that deck was already leaking
20 and rotting when we bought the house. And this deck
21 was also having issues when we bought the house. It's
22 just we've been doing inside stuff, inside stuff and
23 now we're moving outside.

1 CHAIRPERSON KRIEGER: So the construction,
2 the mentioned constructions you purchased after?

3 MS. FASSEEL: We --

4 CHAIRPERSON KRIEGER: Or you created the --
5 or added those other ones?

6 MS. FASSEEL: We have done construction
7 before.

8 CHAIRPERSON KRIEGER: Okay.

9 MS. FASSEEL: We --

10 CHAIRPERSON KRIEGER: All right. The one
11 presented in front of us is the variances -- the
12 footprint of the property is to nonconforming so the
13 variance is to maintain its existence.

14 MS. FASSEEL: We're just trying --

15 MR. CREECH: Yes. Yeah. Right now -- if I
16 may. Sorry. Those are my words.

17 MS. FASSEEL: Sure. Go for it.

18 MR. CREECH: Yeah. The idea behind the whole
19 principle is this, we need to fix the deck area in the
20 garage and obviously the entrance to the house is
21 dangerous. So with keeping the same footprint and
22 putting a second floor addition on the house so they
23 can utilize it year round and just to make consistency.

1 If you look at -- you've seen -- I think you've all had
2 an opportunity to at least see the outside of the
3 house. We're literally going to make all the pine
4 lines match and put cedar shake and obviously the T1-11
5 will be consistent.

6 There is a proposal to put -- to remove the
7 brick on the front and put lime -- real limestone to
8 give it some curb appeal and to add to the community.

9 MS. FASSEEL: One other thing I wanted to
10 mention was, I know they mentioned a problem with
11 raising where the driveway goes in right now. But part
12 of the problem is is we actually have water going into
13 our garage. It's been a problem. My husband started
14 removing bricks that went into the driveway because we
15 were just getting water going right into our garage
16 which is another reason why we were going to fix the
17 grade there and put the deck there.

18 CHAIRPERSON KRIEGER: Which will be done
19 through the planning department?

20 MS. FASSEEL: Yes.

21 CHAIRPERSON KRIEGER: Okay. All right. Any
22 other input from public?

23 Okay. I'll close public input. And open up

1 to the city. Anything regarding this case?

2 MR. BUTLER: Nothing from the city at this
3 time.

4 CHAIRPERSON KRIEGER: Thank you. And from
5 correspondence?

6 MEMBER MONTAGUE: Yes. 65 letters mailed, 17
7 returned. Seven objections and two approvals.

8 First objection I believe was from the people
9 that were speaking. They've gone through their
10 objections.

11 Actually, there's two of -- we've got
12 Dorothy. I don't know if these are the same people.
13 Dorothy and --

14 I'm just trying to figure out if it's the
15 same person. It's got the same --

16 MS. WAGNER: Member Montague?

17 MEMBER MONTAGUE: Yes.

18 MS. WAGNER: They own five parcels so they
19 filled out four slips.

20 MEMBER MONTAGUE: Okay.

21 MS. WAGNER: So the first four are --

22 MEMBER MONTAGUE: So the first four are
23 theirs? Okay. Thank you. Because they've pretty much

1 gone through that. I won't be reading those then.

2 All right. And then we've got the fifth one
3 here from a Bonnie Baker. "No. The proposed plan
4 included with this proposal will impact the neighbor."

5 And we have the next objection, Laura Graham:
6 "Proposed plans will affect the neighbor to the west.
7 Blueprints show proposed paver parking in city
8 right-of-way not noted on the ZBA request."

9 Next objection, Barbara Drouillard,
10 D-r-o-u-i-l-l-a-r-d. "I'm objecting to this requested
11 variance. Setback is 30 feet the law states. Let's
12 leave it at 30 feet. It seems the proposal plan within
13 this request, relocating the driveway to the west of
14 the home. They want to pour the driveway within three
15 feet of the property line of 1191 Lake Drive. Code
16 requires that you do not impact your neighbor with
17 flooding. City code Article 10, Section 11.239, clause
18 four, item B, drainage. The discharge of storm
19 waters --"

20 Sorry. I'm having a hard time reading some
21 of the writing.

22 "-- onto private property is not permitted
23 unless written permission to do so is received from the

1 affected property owners. This driveway would impact
2 and impede the lakefront view for the residents at 1191
3 South Lake Drive."

4 Then I have an E-mail from a Kurt Werner,
5 W-e-r-n-e-r, for the variance request 1185.

6 "We agree with granting the variance as long
7 as all ordinances are met with regard to neighbor
8 property line setbacks and it doesn't impact the
9 Henning Street drainage issues."

10 Another approval from Patty Maniewski,
11 M-a-n-i-e-w-s-k-i.

12 "We approve of the applicant's request for a
13 variance to Section 3.1.5, front yard setback."

14 CHAIRPERSON KRIEGER: Very good. So just as
15 a reminder, the variance request is regarding the front
16 yard setback and the issues regarding other parts of
17 the property with drainage, the city will deal with or
18 help maintain where water is supposed to drain.

19 And open up to the board, questions?

20 MEMBER LONGO: Boyd, you made some comment
21 that I just want to get clarification.

22 MR. CREECH: Sure.

23 MEMBER LONGO: You said perhaps it would be

1 better. If I'm looking at the drawing where they have
2 the drawing coming in and then there's proposed
3 concrete parking on the west side.

4 MR. CREECH: Yes.

5 MEMBER LONGO: You would be open to not
6 putting that in?

7 MR. CREECH: Absolutely. And the little
8 sidewalk there, just eliminate all that. I want to
9 keep peace with the neighbors. That's my job.

10 MEMBER LONGO: Okay. May do that. Again,
11 like she said, we're only looking at the setback.

12 MR. CREECH: Right. And that's why --

13 MEMBER LONGO: Just so to keep peace, if you
14 want to do that, I think that's wonderful.

15 MR. CREECH: Just remove it and not even
16 consider it tonight.

17 MEMBER LONGO: Thank you.

18 MR. CREECH: Thank you, sir.

19 CHAIRPERSON KRIEGER: Yes.

20 MEMBER McLEOD: Question: To confirm, on the
21 sunroom on the second floor, were you connecting any of
22 the HVAC system to that room?

23 MR. CREECH: No. That's going to have a

1 separate -- well, yes. Not HVAC, but it's going to
2 have a heated subfloor that the homeowner is going to
3 install.

4 MEMBER McLEOD: It will have a heated
5 subfloor?

6 MR. CREECH: Yes.

7 MEMBER McLEOD: It's not connected to the
8 main furnace or the air-conditioner?

9 MR. CREECH: Yes. Yes.

10 MEMBER McLEOD: Okay.

11 CHAIRPERSON KRIEGER: Any other questions or
12 a motion?

13 MEMBER LONGO: I'd like to make a motion.

14 I move that we grant the variance in case
15 number PZ22-0063 sought by the American Made
16 Construction for a 12.83 foot variance of front yard
17 setback because the petitioner has shown practical
18 difficulty regarding renewal of the original -- just
19 renewal of original setback.

20 Without the variance, the petitioner would be
21 unreasonably prevented or limited with respect to the
22 use of the property because their home frankly would
23 not fit on the lot.

1 The property is unique because the lot was --
2 lot dimensions were created a very long time ago and
3 the petitioner did not create the condition because
4 they purchased the property. The relief granted will
5 not unreasonably interfere with the adjacent or
6 surrounding properties because it isn't any different
7 than the existing variance.

8 The relief is consistent with the spirit and
9 the intent of the ordinance because the variance does
10 not change the current setback.

11 I would like to add a variance granted
12 subject to removal of the concrete paving of parking on
13 the west side with your approval.

14 MR. CREECH: Yes, sir. Yes, sir.
15 Absolutely.

16 CHAIRPERSON KRIEGER: We have a motion. Is
17 there a second?

18 MEMBER McLEOD: Second.

19 CHAIRPERSON KRIEGER: All right. Motion and
20 a second. Any other discussion?

21 All right. Anita, call the roll.

22 MS. WAGNER: Member Krieger?

23 CHAIRPERSON KRIEGER: Yes.

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MS. WAGNER: Member Longo?

MEMBER LONGO: Yes.

MS. WAGNER: Member McLeod?

MEMBER McLEOD: Yes.

MS. WAGNER: Member Montague?

MEMBER MONTAGUE: Yes.

MS. WAGNER: Member Thompson?

MEMBER THOMPSON: Yes.

MS. WAGNER: Motion passes.

CHAIRPERSON KRIEGER: Best wishes.

MR. CREECH: Thank you. Appreciate your
time.

CHAIRPERSON KRIEGER: Planning department
will help you out.

All right. So we go to our next case which
is PZ22-0064, Scott David, Sign Depot for 41200 Bridge
Street, North of 11 Mile, East of Meadowbrook Road,
Parcel 50-22-13-351-022. The applicant is requesting a
variance from the City of Novi sign ordinance from
Section 28-5(b)(1) for an additional wall sign on the
north elevation. Two wall signs requested, one is
permitted, variance of one. The property is zoned
Light Industrial.

1 Welcome, sir.

2 MR. DAVID: Hello.

3 CHAIRPERSON KRIEGER: Your name and if you
4 could spell it for our court reporter.

5 MR. DAVID: Scott David. You need me to
6 spell it?

7 THE COURT REPORTER: No.

8 MR. DAVID: Okay.

9 CHAIRPERSON KRIEGER: Very good. All right.
10 Go ahead and proceed.

11 MEMBER MONTAGUE: All right. Hang on. Are
12 you an attorney, sir?

13 MR. DAVID: Pardon me?

14 MEMBER MONTAGUE: Are you an attorney?

15 MR. DAVID: No, I'm not.

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

18 MR. DAVID: Yes.

19 MEMBER MONTAGUE: Thank you.

20 MR. DAVID: All right. This sign was done
21 recently and the sign was done to code. And the way
22 the building is situated, if it was closer to the
23 freeway, they would have been allowed two signs.

1 Because of the way it's set back, there's no frontage
2 on Bridge Street or anything. So it's kind of a
3 hardship in that way because the only exposure he's got
4 if somebody pulls right into the parking lot. Like I
5 said, if he was closer, his neighbors could have a sign
6 60 square foot -- yeah, just under 60 square foot would
7 be allowed.

8 And that's what we're asking for, for a
9 variance on the second sign.

10 CHAIRPERSON KRIEGER: That's it?

11 MR. DAVID: My case is pretty boring compared
12 to the last one.

13 CHAIRPERSON KRIEGER: All right. In the
14 audience, any participation from the audience?

15 All right. Very good.

16 From the city?

17 MR. BUTLER: No comment.

18 CHAIRPERSON KRIEGER: Okay. Correspondence?

19 MEMBER MONTAGUE: There were 22 letters
20 mailed, three returned, no objections, no approvals.

21 CHAIRPERSON KRIEGER: All righty. Open up to
22 the board.

23 Member Longo?

1 MEMBER LONGO: I visited the site today. I
2 want to be sure I understand. There is a sign there
3 that faces I guess north or faces the Interstate?

4 MR. DAVID: Correct.

5 MEMBER LONGO: You're talking about the one
6 that basically faces east so you can see when you're
7 coming in where the darn place is; is that correct?

8 MR. DAVID: Yes. Yes.

9 MEMBER LONGO: Yeah. And they took the
10 address off by the way. Today it was very difficult to
11 find that building. But when I went around and saw the
12 Homestead I knew where it was.

13 I just wanted to be sure I understood where
14 it was and I think that's good. I'm going to support
15 this.

16 CHAIRPERSON KRIEGER: All right. Anybody
17 else, any other input?

18 Questions?

19 I have a -- you would like an extra --
20 another one on the north side?

21 MR. DAVID: This would be facing the --

22 CHAIRPERSON KRIEGER: Expressway?

23 MR. DAVID: -- expressway, yes. Uh-huh.

1 Yes. And if this building was closer, he would have by
2 code been allowed to put another sign on that
3 elevation. But because it's set back too far,
4 he's -- we have to go through for a variance.

5 CHAIRPERSON KRIEGER: Okay.

6 MEMBER McLEOD: So quick question because you
7 mentioned that you were purposefully setting it to face
8 the highway. Is that section of this parking lot the
9 most -- like, you'll have the most customers able to
10 see this or are you purposefully facing the highway
11 because you think people on the highway are looking for
12 your store?

13 MR. DAVID: I think it might have just been
14 the highway. That was the owner's intent. I mean, if
15 it was my call, I mean, it's set back and I don't think
16 he's going to get much exposure, honestly, unless
17 you're -- you know, you're doing a direct looking at it
18 when you're going by on the freeway. But that's what
19 he wanted so that's what we're -- I'm just coming here
20 on his behalf, you know.

21 But there is parking on the rear side and
22 there is a drive around on the back side, too, as well.

23 MEMBER McLEOD: So customers in that lot

1 would be able to see the sign, identify the building
2 from that side?

3 MR. DAVID: Yes. Correct. Yes.

4 MEMBER McLEOD: Okay. Thank you.

5 CHAIRPERSON KRIEGER: They own the middle
6 building or is that part of the --

7 MR. DAVID: He's leasing it.

8 CHAIRPERSON KRIEGER: Okay.

9 MR. DAVID: Yeah. He doesn't own that.

10 CHAIRPERSON KRIEGER: Okay.

11 Yes, Member Longo?

12 MEMBER LONGO: Yeah. I think that my opinion
13 is you're understating. That's a -- it's a maze of
14 buildings back there and to find the building is not
15 easy. That second sign --

16 MR. DAVID: It's hard. I sat in the parking
17 lot on GPS and I was in the wrong area and it's like --

18 MEMBER LONGO: Yeah.

19 MR. DAVID: The owner had to guide me in.
20 It's like you're at the wrong place.

21 MEMBER LONGO: I think the second sign -- at
22 least my wife found it. It would have helped us find
23 the building easier. Also, they need to put the

1 address on the door. That would also help.

2 MR. DAVID: Yeah. We can do that as well.

3 CHAIRPERSON KRIEGER: Member Montague?

4 MEMBER MONTAGUE: Can I ask the city a
5 question?

6 CHAIRPERSON KRIEGER: Yes.

7 MEMBER MONTAGUE: If he's saying that if they
8 were closer to the freeway there would be a second sign
9 that would be allowable; is that true?

10 MR. BUTLER: Yeah. There's a couple --
11 there's quite a few stipulations depending on where the
12 building is sitting. But, yes. But because of that
13 distance, they can't do that and need a variance.

14 MEMBER MONTAGUE: Okay. Got you. All right.

15 CHAIRPERSON KRIEGER: Any other questions or
16 a motion?

17 MEMBER MONTAGUE: I'll make a motion.

18 CHAIRPERSON KRIEGER: Go ahead.

19 MEMBER MONTAGUE: Okay. I move that we grant
20 the variance in case number PZ22-0064, Scott David,
21 Sign Depot. The variance is for an additional wall
22 sign on the north elevation which would be a variance
23 of one sign. The request is based upon circumstances

1 or features that are exceptional and unique to the
2 property. The idea that he could have two signs if he
3 were closer to the freeway and just his property
4 location is further away.

5 Failure to grant the relief will unreasonably
6 permit or limit the use of the property and will result
7 in substantially more than a mere inconvenience or
8 inability to attract higher economic or financial
9 return because, obviously, as our fellow board member
10 said, it's a difficult building to find. So this is
11 necessary to help that happen.

12 The grant relief would be offset by other
13 improvement or actions. I think they already have an
14 increase in setback so that option -- that exists that
15 other improvement in the property now.

16 The sign will be conforming to the sign
17 regulations. And the grant of relief will not result
18 in a use or structure that is incompatible or
19 reasonably interferes with the adjacent or surrounding
20 properties because it's in the nature of the location
21 where it is, it fits into that particular usage.

22 CHAIRPERSON KRIEGER: Do I have a second?

23 MEMBER THOMPSON: I can second that.

1 CHAIRPERSON KRIEGER: All right. We have a
2 motion and a second. Any other discussion?

3 Seeing none. Anita, if you could call the
4 roll.

5 MS. WAGNER: Member Krieger?

6 CHAIRPERSON KRIEGER: Yes.

7 MS. WAGNER: Member Longo?

8 MEMBER LONGO: Yes.

9 MS. WAGNER: Member McLeod?

10 MEMBER McLEOD: Yes.

11 MS. WAGNER: Member Montague?

12 MEMBER MONTAGUE: Yes.

13 MS. WAGNER: Member Thompson?

14 MEMBER THOMPSON: Yes.

15 MS. WAGNER: Motion passes.

16 CHAIRPERSON KRIEGER: Best wishes.

17 MR. DAVID: Thank you.

18 CHAIRPERSON KRIEGER: Any other matters for
19 this tonight?

20 No? Motion to adjourn?

21 MEMBER LONGO: So moved.

22 CHAIRPERSON KRIEGER: We have a motion and a
23 second. All in favor?

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THE BOARD: Aye.

CHAIRPERSON KRIEGER: Okay. We're adjourned.

(At 7:38 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, Notary Public within and for the County of Oakland, do hereby certify that I have recorded stenographically the proceedings had and testimony taken in the above-entitled matter at the time and place hereinbefore set forth, and I do further certify that the foregoing transcript, consisting of thirty-nine (39) typewritten pages, is a true and correct transcript of my said stenographic notes.

/s/ Darlene K. May _____
Darlene K. May, RMR, CRR, RPR
Michigan CSR-6479

January 13, 2023
(Date)