

1 Novi, Michigan

2 Tuesday, August 10, 2021

3 7:00 p.m.

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5 CHAIRPERSON KRIEGER: Good evening and welcome to
6 the Novi Zoning Board of Appeals meeting for August 10th,
7 2021 on Tuesday. It's seven o'clock. We're waiting for one
8 more member to be a full quorum.

9 MS. SAARELA: No. You have a quorum of four.

10 CHAIRPERSON KRIEGER: We have a quorum?

11 MS. SAARELA: You have a quorum. You can go ahead.

12 CHAIRPERSON KRIEGER: We have a quorum. If anybody
13 wanted to not have their case presented tonight because we
14 don't have a full board, you can decide to do that, if you
15 like.

16 We'll start with the Pledge of Allegiance, if you
17 could lead.

18 MEMBER LONGO: Certainly.

19 (Pledge of Allegiance recited.)

20 CHAIRPERSON KRIEGER: If, Katherine, you can call
21 the roll.

22 MS. OPPERMANN: Certainly. Member Krieger?

23 CHAIRPERSON KRIEGER: Here.

24 MS. OPPERMANN: Member Malott is absent, excused.

25 Member Montague?

1 MEMBER MONTAGUE: Here.

2 MS. OPPERMANN: Chairperson Peddiboyina is
3 currently absent. Member Sanghvi is absent, excused.
4 Member Thompson?

5 MEMBER THOMPSON: Here.

6 MS. OPPERMANN: And Member Longo?

7 MEMBER LONGO: Here.

8 MS. OPPERMANN: Thank you.

9 CHAIRPERSON KRIEGER: Public Hearing Format and
10 Rules of Conduct are in the back of the room when you pick up
11 an agenda. Just, if you have your phones with you, just to
12 put them on vibrate instead of having them ring. And that's
13 essentially, it. We have an agenda.

14 Do I hear any changes on the agenda?

15 MS. OPPERMANN: There was the change that was case
16 PZ21-0040 for Eric and Susan Colthurst at 1291 East Lake
17 Drive. The petitioners have asked for their case to be
18 postponed until the most next meeting on September 14th.

19 CHAIRPERSON KRIEGER: Okay.

20 So do I hear a motion for approval of the agenda as
21 amended?

22 MEMBER LONGO: I so move.

23 MEMBER MONTAGUE: Second.

24 CHAIRPERSON KRIEGER: Okay. All in favor, aye?

25 THE BOARD: Aye.

1 CHAIRPERSON KRIEGER: Very good. We have an
2 agenda.

3 No minutes this month.

4 Public remarks. Anybody have any remark, come
5 ahead, regarding anything except the cases that are on
6 tonight.

7 But go ahead. If you could state your name.

8 MR. CONDON: My name is Michael Condon at 1411 West
9 Lake Drive Novi.

10 CHAIRPERSON KRIEGER: Does he have to swear in?

11 MS. SAARELA: No.

12 CHAIRPERSON KRIEGER: No. All right. Go ahead.

13 MR. CONDON: I'm here tonight asking to reconsider
14 the approval of a ZBA of decision last month for 1419 West
15 Lake Drive. They asked for seven variances and I've chatted
16 with Kathy and Mr. Butler because I think some major stuff
17 was missed and so I'm asking to reconsider.

18 When the case was presented last week and I
19 talked -- or last month, excuse me -- and I talked, I think
20 one of the gentlemen kind of came up with a solution, but
21 then it switched. But the solution was by not allowing the
22 four-car garage variance, it would pull the house back and it
23 would still -- they still were asking for five variances.
24 But it would do away with two variances and not block
25 everybody's view around there.

1 The -- you know, when we all moved to the city,
2 there was a set of guidelines and rules to live by and this
3 was part of them. And the majority of all the neighbors that
4 responded did not support giving all seven variances, okay?

5 And so I'm coming back here asking you to
6 reconsider that. Because I talked to Mr. Butler what my
7 appeal processes all were and he recommended this was the
8 next one before I go to the circuit court. Because this is
9 that important that, you know, it's just getting out control.

10 I'm vice president of the Lakes Area Homeowner's
11 Association and I've talked to a ton of people that live on
12 the lake and this is just kind of -- it just seems to always
13 go one step further, one step further, every build, okay?

14 And we're asking -- and I'm asking, excuse me, is
15 to go ahead and -- you know, I don't agree. I would never do
16 it to my neighbors, okay? And I didn't do it to my neighbors
17 when I built, but I'm asking only to give them five variances
18 and not seven. And if they just do away with that one extra
19 garage, that fourth car garage variance that they're asking
20 for and they pull it back, it will solve the problem.

21 And I think part of the confusion, if you look at
22 their pictures from last month, okay?

23 CHAIRPERSON KRIEGER: Can you put that on the
24 overhead?

25 If it works. It works, right?

1 MR. BUTLER: Yes, it works.

2 MR. CONDON: Just put it on the overhead?

3 CHAIRPERSON KRIEGER: Yup.

4 MR. CONDON: Thank you.

5 (Document displayed.)

6 MR. CONDON: Okay. So the deck that they're also
7 talking about on the lakeside, that was built without a
8 building permit years ago and there was some stuff that they
9 kind of let it go. Now they're asking to go out into the
10 setback.

11 And the big thing was, "Oh, the deck's going to be
12 less footage." But it was put in illegally anyway. But if
13 you can see on the lakeside right here, there's going to be
14 seven risers. Okay? And on the side there's going to be
15 five. Right now there's two risers on the side. Okay? So
16 this thing is coming up out of the ground. Seven risers,
17 okay? Four and a half feet and it's going to be blocking
18 everybody's view.

19 So, like, the two things that I'm asking to be
20 reconsidered and I'm hoping we can get it all taken care of
21 here instead of the circuit court is, you know, if it's do
22 away with the fourth car and everything gets slid back to not
23 allow all the views of the neighbors -- if you go look at
24 that lot, nobody has anything like that on that side of the
25 lake, nobody.

1 Okay? Nobody has something sitting up four feet
2 plus a railing above that. Okay? So you're at seven feet
3 and blocking everybody's view and all the neighbors' views.
4 Okay? And nobody has a four-car garage. So I'm asking -- I
5 don't think it's right to give seven variances. I guess I'm
6 saying if you decide to give five, there's a head scratcher
7 to me and all the other people that wrote letters last month.
8 But I'm asking not to give, you know, the garage and
9 definitely not to give the deck being that tall and in the
10 deck setback.

11 CHAIRPERSON KRIEGER: Okay. Very good. Thank you.

12 MR. CONDON: So I hope you reconsider this and vote
13 on it so that we can get it handled at this level. And I
14 thank you very much for your time.

15 Any questions for me?

16 CHAIRPERSON KRIEGER: It's a public input so I
17 don't know if we address that.

18 MS. SAARELA: No. You don't talk back and forth
19 directly during public comment.

20 CHAIRPERSON KRIEGER: Okay. Thank you very much,
21 sir.

22 MR. CONDON: I hope you reconsider because I think
23 one of the gentlemen over here was on the same page last time
24 so I hope you head down that road.

25 Thank you.

1 CHAIRPERSON KRIEGER: Anybody else have public
2 input?

3 Okay. Seeing none.

4 Public hearing. We can proceed to our first case
5 which is PZ21-0039 for Kiel Hearn. I hope I said that right.
6 157 Wainwright Street, east of Old Novi Road and south of 13
7 Mile.

8 Petitioner? Yup.

9 Parcel is 50-22-11-101-011. The applicant is
10 requesting a variance from the City of Novi Zoning Ordinance
11 Section 5.11 to install a fence in the front yard of a corner
12 lot. By code, a fence shall not extend toward the front of
13 the lot nearer than the minimum front yard setback. The
14 property is zoned single family residential R-4. The case is
15 tabled from July 13th.

16 You're the petitioner?

17 MR. HEARN: Yes.

18 CHAIRPERSON KRIEGER: If you could spell your name
19 for our court reporter and be --

20 MR. HEARN: Kiel Hearn, K-i-e-l, H-e-a-r-n.

21 CHAIRPERSON KRIEGER: Would you swear him in?

22 MS. OPPERMANN: Do you swear or affirm to tell the
23 truth in the case before you, sir?

24 MR. HEARN: I do.

25 MS. OPPERMANN: Thank you.

1 CHAIRPERSON KRIEGER: You can proceed. Thank you.

2 MR. HEARN: I'm simply asking for a variance,
3 again, on the privacy fence on my lot. We've been there
4 roughly 11 years. When we moved in, the fence was already
5 deteriorating. I do not know the exact year that that fence
6 was installed. If I had to put a time line on it, I would
7 say 20 to 30 years. We have removed that fence and installed
8 a new one in the existing lines where that fence was. Part
9 of it was a chain link. Part of it was privacy fence. We
10 replaced it with all privacy fence. Again, it was on the
11 same property line for all these years.

12 If you look on the east side of our lot along
13 Wainwright Street, that was chain link and it is now privacy
14 fence. So I'm just simply asking. Due to the lack of
15 parking at our park there, Pavilion Shore, there's constantly
16 cars parked there along with some utility boxes. Constantly
17 I have people parking with their dogs getting out. We have
18 dogs. It's raised many issues. And sets up for a little
19 more privacy and more enjoyable time in our backyard.

20 CHAIRPERSON KRIEGER: That's it?

21 MR. HEARN: That's it.

22 CHAIRPERSON KRIEGER: Okay. Thank you. Is there
23 anybody in the audience that would like to speak to this
24 case?

25 Seeing none.

1 Could you do me a favor and read these in? Could
2 you?

3 MS. OPPERMANN: Of course. Thank you.

4 CHAIRPERSON KRIEGER: Do you have a picture that I
5 can put on the overhead?

6 MR. HEARN: I do not. I submitted it. I thought
7 it would be in it.

8 CHAIRPERSON KRIEGER: Yeah. We have it in our
9 packet. But do you have something with you?

10 MR. HEARN: I do not. I'm sorry.

11 MS. OPPERMANN: As usual, if any audience member or
12 anyone from the public wants to look at any of the
13 documentation submitted, it is all available at
14 CityofNovi.org.

15 Did you want me to go through the correspondence?

16 CHAIRPERSON KRIEGER: Yes, please.

17 MS. OPPERMANN: All right. So for this case there
18 were 42 letters sent, two returns, one objection, one
19 approval. The objection is from Jason Stinecki (ph) at 144
20 Wainwright. He says, "I am not in favor of a fence that
21 extends past the front of the house."

22 The approval is from Erin Myer at 195 Wainwright.
23 They say, "I approve of the Hearn's request. The fence
24 currently looks great and due to overflow parking from
25 Pavilion Shore Park, I'm sure the extra privacy is much

1 needed and should not affect the intersection visibility.

2 Thank you."

3 CHAIRPERSON KRIEGER: And from the City, Larry?

4 MR BUTLER: No comment from the City at this time.

5 CHAIRPERSON KRIEGER: Okay. Open up to the board,
6 any questions?

7 Yes?

8 MEMBER MONTAGUE: I don't have any questions.

9 CHAIRPERSON KRIEGER: Okay.

10 MEMBER MONTAGUE: I did go by and it's one of those
11 classics where you have two front yards, which is always a
12 problem. The fence certainly doesn't obstruct any view of
13 the corner, for sure. And with the special problem of the
14 parking, I would be willing to support this.

15 MR. HEARN: Thank you.

16 CHAIRPERSON KRIEGER: I've also driven by there a
17 million times and there's always been a fence there that I
18 can remember and I can see where you would have -- how
19 popular the Pavilion Shores is getting, that there would be a
20 need. So I would be able to support your request as well.

21 MR. HEARN: Thank you.

22 CHAIRPERSON KRIEGER: Any other comments or a
23 motion?

24 MEMBER LONGO: I can make a motion.

25 CHAIRPERSON KRIEGER: Thank you.

1 MEMBER LONGO: I move that we grant the variance in
2 case PZ21-0039 sought by Kiel Hearn for a front yard fence
3 variance because the petitioner has shown practical
4 difficulty requiring replacement of his former fence.

5 Without the variance, the petitioner would be unreasonably
6 prevented or limited with respect to the property because of
7 the size of the backyard and some parking that happens along
8 in that neighborhood can be at least minimized.

9 The property is unique because it was -- because it
10 is a corner lot and that by Novi definition has two front
11 yards. You did not choose to take the fence all the way out
12 to the front of the house so that's kind of halfway meeting
13 there. The petitioner did not create the condition because
14 he purchased the property with the former fence there.

15 The relief granted will not unreasonably interfere
16 with adjacent or surrounding properties because it doesn't
17 interfere with site or property of any adjacent people. The
18 relief is consistent with the spirit and intent of the
19 ordinance because it does not create a problem for drivers or
20 for people walking down the street.

21 MEMBER MONTAGUE: I'll second.

22 CHAIRPERSON KRIEGER: Okay. So we have a motion
23 and a second? Any other ...

24 No other comments.

25 If, Katherine, you can call the roll?

1 MS. OPPERMANN: Certainly. Member Krieger?

2 CHAIRPERSON KRIEGER: Yes.

3 MS. OPPERMANN: Member Montague?

4 MEMBER MONTAGUE: Yes.

5 MS. OPPERMANN: Member Thompson?

6 MEMBER THOMPSON: Yes.

7 MS. OPPERMANN: Member Longo?

8 MEMBER LONGO: Yes.

9 MS. OPPERMANN: Motion passes.

10 MR. HEARN: Thank you.

11 CHAIRPERSON KRIEGER: All the best.

12 MEMBER MONTAGUE: Congratulations.

13 CHAIRPERSON KRIEGER: We'll move on to our second
14 case which is PZ21-0040 for Eric and Susan Colthurst, 1291
15 East Lake Drive, west of Novi Road and south of Fourteen Mile
16 Road.

17 MEMBER LONGO: We're skipping that.

18 CHAIRPERSON KRIEGER: I'm sorry.

19 MS. OPPERMANN: That's the one they requested
20 postponement.

21 CHAIRPERSON KRIEGER: I heard that.

22 PZ21-0041, Vinyl Sash -- I hope I said that right.
23 45137 Bartlett Drive, west of Novi Road and north
24 of Twelve Mile Road.

25 Did I say your name right?

1 MR. KALE: Yes. Vinyl Sash is the contractor. I'm
2 the owner of the house.

3 CHAIRPERSON KRIEGER: Okay. If you could state
4 your name and spell it for our court recorder.

5 MR. KALE: My name is Ashuposh Kale,
6 A-s-h-u-p-o-s-h. Last name K-a-l-e.

7 CHAIRPERSON KRIEGER: And if you can swear in with
8 our court secretary.

9 MS. OPPERMANN: Do you swear or affirm to tell the
10 truth in the case before you, sir?

11 MR. KALE: I do.

12 MS. OPPERMANN: Thank you.

13 CHAIRPERSON KRIEGER: Proceed. Thank you.

14 MR. KALE: All right. Thank you. Good evening.
15 I'm requesting a variance on my property at 45137 Bartlett
16 Drive in Novi, Michigan. This variance is in the back. What
17 I intend to do is build a sunroom facing the woods. So it
18 doesn't block any views and whatnot.

19 It's really -- you know, we have been actually just
20 on a little side note there is we have all faced some health
21 vitamin D deficiency in Michigan, surprise. But that's what
22 we want to do so we can actually use that area in the back in
23 the winter, especially to let some sun come in and get some
24 vitamin D as well.

25 I have actually checked with my neighbors

1 personally and my immediate neighbors have also provided the
2 approvals here that I can share, if needed. But so that's
3 what I just request to approve the variance to allow me to
4 build the sunroom.

5 CHAIRPERSON KRIEGER: Very good. Thank you.

6 Anybody in the audience have a comment regarding
7 this case?

8 Yes, sir?

9 MR. BLOSS: My name is Robert Bloss from Vinyl Sash
10 which I'm going to do the project for him.

11 CHAIRPERSON KRIEGER: Does he need to swear in?

12 MS. OPPERMANN: Yes.

13 CHAIRPERSON KRIEGER: Yes. If you can swear in
14 with our court recorder.

15 MS. OPPERMANN: Since you're a part of the case do
16 you swear and affirm to tell the truth in the case before
17 you, sir?

18 MR. BLOSS: I do.

19 MS. OPPERMANN: Thank you.

20 CHAIRPERSON KRIEGER: And if you can spell your
21 name for our court recorder.

22 MR. BLOSS: Robert Bloss from Vinyl Sash,
23 B-l-o-s-s.

24 CHAIRPERSON KRIEGER: All right. Thank you.

25 MR. BLOSS: One more thing about four doors from

1 this project, there has been a sunroom put in the same area
2 and they extended it exactly the same way that this one is
3 extended. You can see it right from this backyard, which I
4 do have a picture. It's just hard to see it being four
5 houses down.

6 CHAIRPERSON KRIEGER: Did you do that one?

7 MR. BLOSS: Pardon?

8 CHAIRPERSON KRIEGER: Did you build that one?

9 MR. BLOSS: I did not.

10 CHAIRPERSON KRIEGER: Okay. All right. Thank you.
11 Anybody else in the audience wish to speak to this
12 case?

13 Okay, seeing none. From correspondence?

14 MS. OPPERMANN: In this case there were 42 letters
15 sent out. No returns. No approvals. No objections.

16 CHAIRPERSON KRIEGER: Do we have the copy of what
17 he said that he had?

18 MS. OPPERMANN: He must have ones that he collected
19 himself. So he's welcome to show those. They're not
20 anything that I received.

21 CHAIRPERSON KRIEGER: Okay. Very good.

22 And from the City, Larry?

23 MR. BUTLER: No comments from the City.

24 CHAIRPERSON KRIEGER: Okay. Thank you.

25 Open up to the board.

1 MEMBER LONGO: I drove by your property and didn't
2 see exactly where it is because I didn't want to traipse back
3 through your yard. But, you're facing a woods or thicket.
4 It's not like you're creating a difficulty for your neighbors
5 or anything else. So I'm in favor of this.

6 MR. KALE: Thank you.

7 MEMBER MONTAGUE: Yes. I'd like to add, too.
8 You're right. It's facing the woods and to make a usable
9 room I think he does need that space to make it a real usable
10 room. Without it it would be a very narrow room that would
11 not be very usable. So I'm in favor of it as well.

12 MR. KALE: Thank you.

13 CHAIRPERSON KRIEGER: Plus the mosquitoes.

14 MR. KALE: Yes.

15 CHAIRPERSON KRIEGER: Okay. Any other comments or
16 a motion?

17 MEMBER MONTAGUE: I can make a motion.

18 CHAIRPERSON KRIEGER: Okay.

19 MEMBER MONTAGUE: All right. I move that we grant
20 the variance in case number PZ21-0041. Without the variance
21 the petitioner would be prevented or limited in the use of
22 his property. The property is unique because it backs up on
23 the woods. The petitioner didn't create the condition. It's
24 an existing house and he's trying to add some usable space on
25 the back. The relief granted doesn't interfere with anyone

1 around. It's facing the woods and doesn't block any views or
2 create a hardship for anyone else and the relief is
3 consistent with the spirit and intent of the ordinance for a
4 person to use their property in a reasonable and enjoyable
5 manner.

6 MEMBER THOMPSON: I can second that.

7 CHAIRPERSON KRIEGER: Thank you.

8 Any other comments?

9 Seeing none. Katherine, you can call the role.

10 MS. OPPEMANN: Certainly. Member Longo?

11 MEMBER LONGO: I approve.

12 MS. OPPEMANN: Member Thompson?

13 MEMBER THOMPSON: Yes.

14 MS. OPPEMANN: Member Montague?

15 MEMBER MONTAGUE: Yes.

16 MS. OPPEMANN: And Member Krieger?

17 CHAIRPERSON KRIEGER: Yes.

18 MS. OPPEMANN: Motion passes.

19 CHAIRPERSON KRIEGER: Congratulations.

20 MR. KALE: Thank you.

21 CHAIRPERSON KRIEGER: Okay. We move on to our next
22 one which is Total Wine & More, PZ21-0043, Allied Signs 21071
23 Haggerty Road, west of Haggerty Road and north of Eight Mile,
24 parcel 50-22-36-477-034. The applicant is requesting
25 variances from the City of Novi Code of Ordinance, Section

1 28-5(b)(1)a for a 236.50 square foot sign for the new Total
2 Wine & More location, a 65 square foot sign is permitted by
3 code. The proposed sign is oversized by 171.5 square feet.
4 The property is zoned office service commercial.

5 Yes, sir?

6 MR. FIELDS: Jim Fields -- that's F-i-e-l-d-s --
7 Allied Signs, 33650 Giftos Drive, Clinton Township. We're
8 here before the board to ask for a size variance on the front
9 wall sign. This is the old OfficeMax.

10 MS. OPPERMANN: Pardon me, sir. I just need to ask
11 if you swear or affirm to tell the truth in the case before
12 you?

13 MR. FIELDS: I do.

14 MS. OPPERMANN: Thank you.

15 MR. FIELDS: Yeah. This is the old OfficeMax
16 location where you're setback three, four hundred feet off
17 Haggerty which, since it was OfficeMax they've added a
18 retaining wall along the Haggerty area. Most of the vision
19 is going to be from a distance either off 275 or blocked on
20 Haggerty. You also catch a little bit of vision off of Eight
21 Mile. So the distance and the setback from the road and the
22 size of this building fascia, we feel this is pretty in line
23 with the square footage to get the visibility that they need
24 to direct them back into this complex.

25 CHAIRPERSON KRIEGER: That's it?

1 MR. FIELDS: Yup.

2 CHAIRPERSON KRIEGER: Okay. Anybody in the
3 audience have a comment regarding this case?

4 Okay. Seeing none. From correspondence?

5 MS. OPPERMANN: In this case there were 29 letters
6 sent out, two returned, no approvals, no objections.

7 CHAIRPERSON KRIEGER: Very good. From the City,
8 Larry?

9 MR. BUTLER: Yes. Does the gentleman have a slide
10 of the sign that he can set up on the projector?

11 (Document displayed.)

12 MR. FIELDS: We did put up the temporary, visible
13 banner out there so that way you can see the distance and the
14 way it actually looks from the road. The tricky part with
15 the banner it is to scale, but with the banner you have a
16 white background so it draws attention to it. It's kind of
17 deceiving when you see just the text of the channel letters
18 involved to where they kind of fade into that fascia. I
19 mean, it's a pretty good shot away from the road, this
20 building.

21 CHAIRPERSON KRIEGER: Okay. Open it up to the
22 board for questions.

23 I drive by, considering the proportion of the size
24 of the building and driving by, I appreciate seeing the sign
25 up there to compare and have an idea. It fits. It's

1 proportional. So I wish you the best of luck because of the
2 topography, the road, the speed, the location of the building
3 behind the structures and then the -- I can't say economy but
4 just for support, I would be able to support it.

5 I did have a question. Are the red awnings going
6 to be on the building as well?

7 MR. FIELDS: The awnings, I believe that's part of
8 the architectural omnience, but it's not part of our sign
9 package. There's no graphics on this.

10 CHAIRPERSON KRIEGER: And then the sign as well, as
11 you were saying, the white part that's the background, that
12 will be -- that's not part of the sign. It's Total One, that
13 will be lit?

14 MR. FIELDS: Yeah. The channel letters are
15 facelit. That white is just the banner substrate. So that
16 would actually be the actual fascia behind the letters. So
17 you're only going to see the letters on the wall.

18 CHAIRPERSON KRIEGER: And the grape, you will have
19 that lit?

20 MR. FIELDS: Correct.

21 CHAIRPERSON KRIEGER: Okay.

22 MR. FIELDS: Correct.

23 CHAIRPERSON KRIEGER: Any other questions?

24 MEMBER MONTAGUE: So it's an internally lit sign or
25 is it wash lit sign?

1 MR. FIELDS: It's should be internally illuminated.

2 MEMBER MONTAGUE: Internally, okay. What are your
3 hours? It will be only on during operating hours?

4 MR. FIELDS: Correct.

5 MEMBER MONTAGUE: What are the hours?

6 MR. FIELDS: I don't know what their operating
7 hours are going to be.

8 MEMBER MONTAGUE: Okay.

9 MR. FIELDS: That's an energy management system
10 that they'll run their lighting off of. So I wouldn't know
11 what their hours are going to be.

12 MEMBER MONTAGUE: Okay.

13 CHAIRPERSON KRIEGER: Any other comments or a
14 motion?

15 MEMBER LONGO: I'll do one.

16 CHAIRPERSON KRIEGER: Okay.

17 MEMBER LONGO: I move that we grant the variance in
18 case number PZ21-0043 sought by Allied Signs and Total Wine &
19 More for the sign variance because the petitioner has shown
20 practical difficulty requiring visibility from the street to
21 where the building is located.

22 Without the variance, the petitioner would be
23 unreasonably prevented or limited with respect to the use of
24 the property because a smaller sign would be extremely
25 difficult to see from, as he mentioned, Eight Mile and

1 Haggerty.

2 The petitioner did not create the condition. They
3 purchased the building as it is, where it is. The relief
4 granted will not unreasonably interfere with adjacent or
5 surrounding properties because the sign in no way encumbers
6 any of the neighbor businesses. The relief is consistent
7 with the spirit and intent of the ordinance because the sign
8 is proportional to the building size and the distance from
9 the streets.

10 MEMBER MONTAGUE: I can second that.

11 CHAIRPERSON KRIEGER: Okay. We got a motion and a
12 second. No other comments. If, Katherine, you would call
13 the roll.

14 MS. OPPERMANN: Certainly. Member Krieger?

15 CHAIRPERSON KRIEGER: Yes.

16 MS. OPPERMANN: Member Montague?

17 MEMBER MONTAGUE: Yes.

18 MS. OPPERMANN: Member Thompson?

19 MEMBER THOMPSON: Yes.

20 MS. OPPERMANN: And Member Longo?

21 MEMBER LONGO: Yes.

22 MS. OPPERMANN: Motion passes.

23 MR. FIELDS: Thank you.

24 CHAIRPERSON KRIEGER: Best wishes.

25 MEMBER LONGO: Congratulations.

1 CHAIRPERSON KRIEGER: Next case PZ21-0044, Scott
2 and Lisa Hoag at 21850 Garfield Road, east of Napier Road
3 and south of Nine Mile for parcel 50-22-32-100-017. The
4 applicant is requesting variances from the City of Novi
5 zoning Ordinance department, Section 3.3.1.E, for two lots
6 with less than the required 150 foot minimum lot width, 30
7 foot lot width proposed for each, a variance of 120 feet; and
8 3.6.2.A.I for two flag-shaped lots. By code flag-shaped lots
9 are not permitted. These variances are for the splitting of
10 an existing 5.97 acre lot into three new lots. This property
11 is zoned residential acreage, RA.

12 Yes, sir?

13 MR. MYERS: Good evening. Roger Meyers, 915 North
14 Michigan Avenue in Howell. I am the representative of the
15 applicants who own the property that's the subject of this
16 petition at 21850 Garfield Road.

17 CHAIRPERSON KRIEGER: Are you a lawyer?

18 MR. MYERS: I'm a lawyer.

19 CHAIRPERSON KRIEGER: You don't need to be sworn
20 in. Very good.

21 MR. MYERS: I'm happy to be sworn. If it'll help
22 with my cause, I'll be sworn in twice.

23 Well, thank you for hearing us this evening. So we
24 are here seeking the variances to enable the subject property
25 to be split from the existing one parcel into three separate

1 parcels.

2 My client, Ms. Lisa Hoag, is here this evening.
3 She is the applicant. She and her husband, Scott, have owned
4 the subject property since 1999. The property is
5 approximately six acres in size and its' current
6 configuration is the same as it was when they purchased the
7 property 22 years ago.

8 So what I'd like to do first of all is to help with
9 the orientation of the basis for the request is ...

10 (Document displayed.)

11 MR. MYERS: This is one of the surveys that was
12 submitted with the application and -- upside down.

13 And so what I've done is I've highlighted the
14 property as it currently exists as a single parcel. As you
15 can see, the shape of this property is very unique. It's
16 essentially two flag lots combined into a single parcel.
17 There is an existing driveway, as you can see here, that
18 accesses the property from Garfield Road and the driveway
19 then provides the access to the Hoags' current house and barn
20 which, again, has been there since 1999.

21 What they would like to do is they would like to
22 split this parcel into the three parcels that are also shown
23 on the survey that we have submitted with the application.
24 Parcel B will be the parcel -- which contains the existing
25 home and barn that the Hoags currently have.

1 Parcel C is this parcel here to the south. And
2 parcel C, if ultimately split, based upon the variances would
3 consist of one acre, which this property is zoned RA. So
4 that's the minimum lot size that's required for the zoning
5 ordinance in this district. And then parcel A, which is the
6 parcel to the north, would be a little over two acres in
7 size.

8 And the parcel B, where their house would be,
9 ultimately would be 2.95 acres. So all of the parcels, if
10 the split were allowed, would be consistent with and meet all
11 of the requirements from a size standpoint of what's allowed
12 under the ordinance. And that's really what this is all
13 about is the Hoags would like to split their parcel into
14 three separate parcels consistent with what everyone else is
15 allowed to do in properties that are zoned in the RA zoning
16 district. The problem is is they're unreasonably prevented
17 from doing so because of the unique configuration of the
18 property.

19 As I indicated earlier, they bought the property in
20 1999 as is so they did not create this unique, what I would
21 call, two flag configuration of the property. So this was
22 certainly not a self-created hardship that they are seeking
23 relief from.

24 I think it's important to note that if the
25 variances are granted, parcel C will actually be in full

1 compliance with all of the zoning requirements. That will
2 be -- it will meet all -- the minimum frontage. It,
3 obviously, will not be a flag parcel. It meets the size
4 requirements. In short, it will meet all of the zoning
5 requirements and would not in and of itself require any
6 variances.

7 The problem is when you -- and why we're here.
8 When that does get split off, then there's only 60 feet of
9 frontage here where the existing driveway is. That would be
10 the basis of the drive for the two parcels, A and B.

11 So that's really what's driving the need for the
12 variances is if parcel C is split off, it then creates what
13 would be these two flag lots. I would submit that it really
14 doesn't change the situation from a flag lot situation
15 because you already really have two flag lots. One doesn't
16 have an existing driveway, if it were to, you know, to serve
17 that portion of the flag. So what we're really ultimately
18 looking at and what we would be requesting would be once
19 parcel C would be split off to allow, then, these two flags
20 to be served by this single flag staff.

21 So we're going from, basically, a two flag lot
22 combined into one scenario to having parcel A and B be the
23 two flags but served by a single staff which is, obviously,
24 the staff that's the current driveway for parcel B.

25 The -- if these variances were approved, it would

1 not unreasonably interfere with the use of any of the
2 adjacent properties. It's going to have no impact. The
3 driveway that's currently there is going to remain there and
4 continue to serve Parcel B. But if approved, it would allow,
5 then, that drive to also be access to parcel A. So you're
6 just adding, basically, one more home to that driveway access
7 area.

8 So it doesn't have any impact for the surrounding
9 properties. There's no impact from a public safety
10 standpoint. It's not going to have any adverse impact on the
11 roads. It's going to have no impact on public utilities and
12 the -- if approved, it would be consistent with the spirit
13 and the intent of the ordinance.

14 Obviously, the spirit and intent of the ordinance
15 is to allow people to split properties. If they have larger
16 properties, to split them into sizes that are permitted by
17 the zoning ordinance. In this case a minimum of one acre.
18 That's all they're requesting to do is to be able to
19 accomplish that. But as I indicated earlier, are currently
20 unreasonably prevented from doing so because of the unique
21 configuration of the property that, apparently, was allowed
22 at the time it was split however many years ago prior to when
23 the Hoags purchased the property in 1999.

24 I would also like to add in terms of the
25 consistency with the spirit and intent of the ordinance, with

1 regard to the minimum frontage requirement of 150 feet, I
2 think part -- and I have indicated this in my application
3 material. I think part of it in terms of the why that's
4 required is, obviously, there's the one acre minimum is to
5 promote some of the rural character for properties in the
6 zoning district. The 150 foot minimum frontage requirement
7 in part is to ensure that you don't have a bunch of skinny
8 parcels that, while they may meet the one acre minimum lot
9 size, they're not a bunch of 75 foot or 50 foot minimum
10 parcels where you have houses stacked on each other with long
11 narrow lots.

12 We don't have that here, obviously, given the
13 layout on the survey, the parcels A and B that will result
14 in -- and parcel C for that matter, if the splits were
15 approved with the variances. They're all very proportional.
16 They all have that proportionality in terms of the width to
17 depth ratios and so it is consistent with the character and
18 the residential or the rural character of the properties that
19 are in the RA district.

20 So that's all I have this evening. I'm happy to
21 answer any questions. I do believe that -- at least what
22 neighbors have spoken to my client. Several have submitted,
23 I think, letters in support of the application. We're not
24 aware of anyone that is opposed to it.

25 But, again, I appreciate your consideration.

1 Request that you approve the variances and, again, I'd be
2 happy to answer any questions.

3 And, Lisa, do you have anything?

4 MS. HOAG: (Nods.)

5 MR. MYERS: Okay.

6 CHAIRPERSON KRIEGER: Thank you.

7 MR. MYERS: Thank you.

8 CHAIRPERSON KRIEGER: All right. Very thorough.
9 Thank you.

10 Anybody in the audience have a comment regarding
11 this case?

12 Okay. Seeing none.

13 From correspondence, Katherine?

14 MS. OPPERMANN: There were 20 letters sent out for
15 this case. One returned. One approval. No objections.

16 The approval is from Taylor Fouts, F-o-u-t-s. It
17 says, "Hi, we live at 2176 Garfield Road and have no concerns
18 about the variance request submitted by Scott and Lisa Hoag."

19 CHAIRPERSON KRIEGER: Okay. And from Larry, from
20 the City?

21 MR. BUTLER: Just I wanted to make the comment by
22 code flag lots are not permitted. Just for your information.

23 The other question is is that a shared driveway
24 between parcel A and B or is it one driveway or is it two
25 driveways?

1 MR. MYERS: If approved, it would be a shared
2 driveway. I mean, right now it's a single lot. So it's only
3 a single driveway. But, yes, if the variance were approved
4 and the lots were split, the plan would be to have a shared
5 driveway. And, obviously, that would require approval from
6 the City and there would have to be, you know, a maintenance
7 agreement or an easement between the two parcels.

8 MR. BUTLER: So only one owner would own the
9 driveway and be sharing it?

10 MR. MYERS: So the -- the way it's drawn here, it's
11 showing the driveway on parcel B. And, quite frankly, just
12 because of the stage of where we are in terms of just getting
13 the variance to be able to do that, there has not been a plan
14 drawn showing the driveway that would access what would be
15 the new parcel A.

16 I mean, there's a couple of ways that it could be
17 done. One would be to have the driveway be entirely on
18 parcel B, which is the parcel that the Hoags' home is on.
19 Then if parcel A is sold, they would have to grant an
20 easement to the new owner of parcel A for the use of that
21 driveway.

22 The other way that it could be done is to have the
23 new property line be the center line of the shared drive and
24 just have the two parcels grant reciprocal easements. I
25 mean, it can be done either way. A final decision hadn't

1 been made on that point yet just because this was really the
2 first step in the process before we could even get to the
3 point of applying for a drive, you know, for the new parcel
4 A.

5 Which I think -- and correct me if I'm wrong,
6 Mr. Butler. When the split application would then be
7 submitted, the new split application, I think it would have
8 to be addressed at that point as to how the drive would
9 service that new Parcel A. I think, if I understand.

10 MR. BUTLER: That would have to be talked about if
11 it went that far.

12 Beth, do you have anything?

13 MS. SAARELA: No. I agree.

14 You have frontage for parcel A on Garfield Road but
15 you need to -- if there wasn't enough width, you know. So
16 the way -- pending on where it's split and how much of a
17 driveway you can fit. As long as parcel A has part of that
18 staff area, I don't think you would necessarily have to, you
19 know, work out an easement for the split because they could
20 put the driveway on their half of the staff. So it just
21 depends on where you're splitting it between the two.

22 MR. MYERS: I mean, as proposed, the boundary line
23 would be centered in that staff so there would be 30 feet on
24 each side. The way that I believe the drive is currently on
25 what would be the southern 30 feet; is that correct?

1 MS. HOAG: May I?

2 CHAIRPERSON KRIEGER: You can speak. Just be
3 sworn in by our court recorder -- or Katherine and if you
4 could spell your name for our court recorder.

5 MS. HOAG: Sure. My name is Lisa Hoag, L-i-s-a,
6 H-o-a-g.

7 MS. OPPERMANN: Thank you. And do you swear or
8 affirm to tell the truth in the case before you?

9 MS. HOAG: I do.

10 MS. OPPERMANN: Thank you.

11 MS. HOAG: When we have looked at the possibility
12 of the split, how we decided to choose the barriers or the
13 lines -- the property lines. If you take our current
14 existing driveway which is, as Roger said, on Parcel B and
15 you just flip it and reflect it on parcel A, which would be
16 our preferred intent, you would have a 60-foot driveway
17 leading up to the two driveways, which is the same size road
18 as Garfield Road is in terms of width. So we think that that
19 would provide the safe passage for people coming up and down
20 the driveway because it also provides safe passage today on
21 Garfield Road.

22 So that would be our proposal and, of course, once
23 we split the property and once we have a buyer for the
24 property, when we chose to sell it, we would have to make a
25 formal proposal and agreement as to the use and how we would

1 maintain that land.

2 MS. SAARELA: So with both of them having an
3 easement that wouldn't be required.

4 MR. BUTLER: That would be okay. That's why I
5 brought that up. Because if one person owned the driveway
6 and say somebody moved away and say, well, this is my
7 driveway, then that would be a hardship for someone later on
8 down the road.

9 MR. MYERS: Sure.

10 MR. BUTLER: That's why I wanted to get some
11 clarity on that. Thank you.

12 MS. HOAG: You're welcome.

13 MR. MYERS: Thank you.

14 CHAIRPERSON KRIEGER: Okay. Open it up to the
15 board.

16 MEMBER MONTAGUE: So I think I heard the intent
17 would be that parcel A would be developed as another
18 resident. Eventually sold and developed?

19 MR. MYERS: That would be the plan, eventually.

20 Obviously, it would be a single home on two acres,
21 2.03 acres.

22 MEMBER MONTAGUE: So there would potentially be two
23 driveways, in effect, coming out of that one whole spot?

24 MR. MYERS: Yes. It would serve A and B, correct?

25 MEMBER MONTAGUE: Is there a house on -- I think

1 there is. I think I was looking at it right when I was out
2 there. There's a house in the --

3 MR. MYERS: (Demonstrating) In here?

4 MEMBER MONTAGUE: Yes.

5 MR. MYERS: Yes.

6 MS. HOAG: There's two houses.

7 MR. MYERS: There's two houses, actually.

8 MEMBER MONTAGUE: Two houses in that little zone?

9 MR. MYERS: In this area here.

10 MEMBER MONTAGUE: It seems like a really tight -- a
11 lot of space and then a bunch houses right together. So it
12 does seem like it would be a hazard to those two homes
13 having two driveways going through there, in my opinion.

14 MR. MYERS: Well, so the drive -- and that gets
15 back to what I was talking about earlier in terms of the two
16 driveways. You have -- I mean, you could have a single
17 driveway. I mean, depending on you would have to do
18 easements.

19 But, you know, basically, you know, what you would
20 have is one additional driveway that would come out -- I
21 don't know that you could get two separate driveways, you
22 know, 10 feet apart. I think there would have to be some
23 contiguous access for both parcels and that's where, I think,
24 Ms. Hoag was getting into the question of if it was even 30
25 feet wide, that would be the equivalent of having the width

1 of Garfield Road, you know, serving those two parcels.

2 And from a size standpoint these parcels are much
3 larger than the parcels that are actually here that have the
4 existing homes. So, you know, they're actually a much more
5 rural character even, you know, with those two parcels being
6 separated.

7 MEMBER MONTAGUE: I guess that's just what worries
8 me. You're putting a throughway between the houses there
9 which is potentially a hazard for people using those houses.

10 MS. HOAG: We did have -- at least when I called
11 the City in preparation for this meeting, they said we could
12 have neighbors send E-mails to an E-mail address to provide
13 input because there was no notification of our neighbors that
14 we were coming here. So my understanding from our neighbors
15 Foust, F-o-u-s-t, the one that you said is the neighbor who
16 is closest to the parcel C line.

17 MR. MYERS: It would be here?

18 MS. HOAG: Yes. She lives here, she and her
19 family. Then right here our other neighbor actually sent an
20 E-mail stating that he didn't have any issues.

21 And if you had the opportunity to drive by that
22 area, there's a line -- there's a row of evergreens that
23 board this side of our driveway and then there's fruit trees
24 here. The property lines when we staked it are actually on
25 the opposite side of the evergreens. So the evergreens today

1 are on our parcel B. So they, actually, have a natural
2 barrier to that driveway.

3 Then on what you would propose the second driveway,
4 if you just mirror image, as I mentioned, there's a natural
5 barrier of apple trees here that are, again, on our property
6 line, yet they're a barrier between both houses. So I do
7 think that, yes, there will be more traffic, but I don't
8 think it would be cumbersome to the area and we have received
9 no objections.

10 CHAIRPERSON KRIEGER: For parcel C, do they need a
11 curb cut to make a driveway since it's right off of Garfield
12 Road?

13 MR. BUTLER: That would be something the engineers
14 would have to decide coming off that right-of-way there.

15 CHAIRPERSON KRIEGER: Okay. So the main thing is
16 the flag lot.

17 So there's apple trees in front of parcel A. I've
18 driven up and down Garfield many times, but the picture of it
19 is, I'm sorry, not frequent in my head right now. But the 30
20 feet to get into the driveway you could get a fire truck in
21 there.

22 If you divide it, you could probably even put
23 arborvitaes or something to separate it and make two
24 properties. But there's no way, I guess, the parcel A in
25 front to have their own separate driveway or is that somebody

1 else's property?

2 MR. MYERS: No. You mean here? So there's 60 feet
3 total here.

4 CHAIRPERSON KRIEGER: Yes.

5 MR. MYERS: So as it's proposed, each of parcel A
6 and parcel B would still retain 30 feet for each parcel.

7 CHAIRPERSON KRIEGER: Yeah.

8 MR. MYERS: The existing drive is what? Is it 12
9 feet? It's just a single driveway. That's on the southern
10 30 feet as shown on this survey.

11 So you could, actually -- you could double -- I
12 mean, that's where it gets into the question of you could
13 double the size of that and put the mirror image on the
14 southern portion of what would be the new parcel A giving you
15 a 30 foot drive through the very center strip of that land
16 and still have 15 feet on each side of that new 30 foot wide,
17 you know, shared driveway. I mean, that would be an option
18 or you could have two separate 15 foot drives. One providing
19 access to parcel B and another to provide access to parcel A.

20 I mean, that would be something we would certainly
21 work with, obviously, the fire department and the City once
22 we were applying for the lot split as to what would be the
23 requirement from a public safety standpoint just to provide
24 the drive for the single home.

25 But because of the time -- I mean, when we

1 submitted the last application, the assessor's office
2 wouldn't even process it because of the need to get the
3 variances first or actually denied it because we needed to
4 get the variances first.

5 CHAIRPERSON KRIEGER: So the intent of not having a
6 flag property is from -- can I have clarification as to the
7 intent of not having a flag; bifurcated flag property?

8 MS. SAARELA: It's probably just not a preferred
9 way of having a driveway coming out in front of the lots
10 being in the back. They probably would rather have a lot
11 frontage. So because it's just a narrow strip of land, they
12 don't want a bunch of, you know, narrow strips like that.

13 CHAIRPERSON KRIEGER: But it creates a flag.

14 MS. SAARELA: So I guess what he's saying is if you
15 feel that multiple driveways would be a hazard, you could
16 approve the variance. Because this variance is, basically,
17 pertaining to that little strip. And if you feel it's
18 creating a hazardous condition, you could condition the
19 variance on them constructing a single shared driveway. One
20 driveway to be shared by parcel A and parcel B and subject to
21 all, you know, applicable requirements of the fire
22 department.

23 CHAIRPERSON KRIEGER: For easements, you mean? For
24 access.

25 MS. SAARELA: You can subject the variance to

1 having a single driveway if you think there's a potential
2 hazard created to have two driveways there and they would
3 have to share two the both parcels. So they both use one
4 driveway to go off to the side when they get to the top.

5 So that's a possibility. You can condition a
6 variance.

7 CHAIRPERSON KRIEGER: Okay.

8 MEMBER THOMPSON: Garfield is a 35? 45?

9 MS. HOAG: 25.

10 MEMBER THOMPSON: Two-five?

11 MS. HOAG: 25 miles per hour. And we welcome the
12 city -- the police department to monitor it often.

13 MEMBER THOMPSON: So I'm giving a variance to that
14 that's, to me, it's personal opinion of whether it's safer or
15 better to have two individual driveways or one. We're really
16 just -- does it have to be?

17 MS. SAARELA: You don't have to condition it. You
18 could leave it up to the fire department to work it out with
19 the applicants. It was just a suggestion. If you felt there
20 was a way to make it safer because you had concerns, you are
21 authorized under the law to make it conditional, but you
22 don't have to. You can leave it up to the fire department.

23 MEMBER MONTAGUE: My thought was that one car being
24 there versus two going out is a safer situation.

25 CHAIRPERSON KRIEGER: Well, if you've got

1 teenagers, that's another situation.

2 MEMBER MONTAGUE: Yeah. You've got two right there
3 sitting beside each other for visibility sake.

4 MEMBER THOMPSON: It is better for one driveway or
5 two driveways?

6 MEMBER MONTAGUE: One. That's my personal opinion.

7 CHAIRPERSON KRIEGER: Can we table it for a full
8 board?

9 MS. SAARELA: You can table it, sure, if you need
10 more input or additional information.

11 CHAIRPERSON KRIEGER: Yeah. If you can bring the
12 E-mails like you're talking about and bring additional
13 information.

14 MS. HOAG: I'm happy to tell you the E-mail ID they
15 sent them to.

16 CHAIRPERSON KRIEGER: I'm sorry. I need you up at
17 the mic.

18 MS. HOAG: I'm happy to tell you the E-mail ID that
19 I got from the City that they sent them to, but I did not get
20 don't copies of the E-mails that were sent.

21 CHAIRPERSON KRIEGER: Katherine, did you get any --

22 MS. OPPERMANN: We only received one E-mail from
23 the Fouts that I read earlier.

24 CHAIRPERSON KRIEGER: Okay.

25 MS. HOAG: The ones were processed probably -- sent

1 Thursday, Friday, Saturday, Sunday.

2 MS. OPPERMANN: Again, I've only received one
3 E-mail.

4 MS. HOAG: Okay.

5 MEMBER LONGO: Well, one of the things we can do is
6 approve the variance the way it is and let the City decide
7 what they're going to do. I think Clift's got a very good
8 point, but I'm uncomfortable saying that the fire department
9 must be one or two driveways.

10 Actually, I visited the site. It's very nice, by
11 the way. Very pretty.

12 The driveway they have now the fire department can
13 get into. There's no safety issue for them in that respect.
14 The only issue is the one that Clift raised up is if you have
15 two driveways, you've got two people coming out. Now, we got
16 to keep in mind there's only two houses back there. So
17 unless there's something really going on there, it would be
18 unusual. Plus that road is not heavily traveled.

19 MEMBER MONTAGUE: Yet.

20 MEMBER LONGO: Yet.

21 MEMBER MONTAGUE: That doesn't mean it won't be
22 eventually.

23 MEMBER LONGO: But we're only adding one of the two
24 houses.

25 MEMBER THOMPSON: But only one of the two houses

1 the driveway would matter.

2 MEMBER LONGO: They're going to be in and out.

3 MEMBER MONTAGUE: It's just parcel A, actually,
4 that we'll be adding to the driveway issue.

5 MEMBER LONGO: Correct.

6 MEMBER THOMPSON: I think from seeing enough
7 accidents and having kids in all sports programs and being
8 five minutes late for everything, I think it's better to have
9 two driveways, you know. But that's -- I don't think that's
10 what we're trying to solve. Right?

11 MEMBER MONTAGUE: Well, no. We're talking about
12 what we think is safe and we have to -- I mean, this is a
13 variance. It's a big variance. It's 150 foot frontage.
14 They're trying to go to 30. Right?

15 MR. BUTLER: Right.

16 MEMBER MONTAGUE: This is a huge variance. I mean,
17 where does the line stop? Is anything okay?

18 Yeah, that's a huge variance. And I'm sorry. I
19 got a little bit of a problem and the tabling might be a good
20 thing because you're going to have to get unanimous today and
21 I have a problem, I'm sorry.

22 MR. MYERS: So three to one wouldn't --

23 MS. SAARELA: No. You have to have four votes to
24 grant any variance.

25 MR. MYERS: I mean, I guess, then maybe the best

1 course of action would be to table it. We can follow up with
2 the E-mails to see if there was something where they sent it
3 to the wrong E-mail address in the meantime and maybe we can
4 even get some feedback from the fire Department as to if they
5 would prefer single --

6 MEMBER MONTAGUE: The feedback from your E-mails
7 and neighbors would probably help me quite a bit. If you can
8 encourage them to send an E-mail, that would be good to have
9 something.

10 MR. MYERS: Okay.

11 MEMBER MONTAGUE: I'm trying to make a judgment how
12 I would feel about that situation. So I think that would
13 help.

14 MEMBER LONGO: Clift, why don't you move to table?

15 CHAIRPERSON KRIEGER: Move to table.

16 MEMBER MONTAGUE: I would certainly like to move to
17 table, yes, please.

18 MEMBER LONGO: I second.

19 CHAIRPERSON KRIEGER: To the next available.

20 Katherine, what would you say?

21 MS. OPPERMANN: September 14th.

22 CHAIRPERSON KRIEGER: Okay. So September 14th?

23 MS. SAARELA: So if we're tabling it, we should not
24 continue the discussion right now.

25 MEMBER MONTAGUE: Sorry.

1 MEMBER THOMPSON: Sorry.

2 CHAIRPERSON KRIEGER: So move to table to September
3 14th?

4 MEMBER MONTAGUE: Yes.

5 CHAIRPERSON KRIEGER: Second?

6 MEMBER LONGO: Second.

7 CHAIRPERSON KRIEGER: All in favor?

8 THE BOARD: Aye.

9 CHAIRPERSON KRIEGER: Okay. So we'll see you next
10 month.

11 MR. MYERS: Okay. Thank you.

12 CHAIRPERSON KRIEGER: Yup.

13 MS. HOAG: Can you clarify what else -- besides a
14 quorum or a full board, what else do you want from us?

15 CHAIRPERSON KRIEGER: Neighbor input.

16 MS. SAARELA: Input from the neighbors. So if you
17 could get written letters in favor of it from the neighbors.

18 MS. HOAG: Okay.

19 MS. OPPERMANN: It's common that my name is
20 misspelled on E-mails. They often forget the second N. So
21 they can always bring something in to the office. I'm happy
22 to resend the letters that were sent out this time.

23 MR. MYERS: Okay. Thank you.

24 CHAIRPERSON KRIEGER: That brings us to our next
25 case. PZ21-0045, Ryan Damuth, 23218 West LeBost Drive, east

1 of Meadowbrook and south of Ten Mile, parcel
2 50-22-25-151-026.

3 The applicant is requesting variances from the City
4 of Novi --

5 MEMBER LONGO: Let me interrupt you there because I
6 don't think those ordinance numbers are correct. It looks
7 like a typo from the previous.

8 CHAIRPERSON KRIEGER: Oh, I got you.

9 MEMBER LONGO: Those are not the ordinances that
10 were in the variances.

11 I don't know what we're doing the variances for.

12 CHAIRPERSON KRIEGER: Okay. Replacing an old
13 existing shed on the property.

14 MS. OPPERMANN: Yeah. That's correct.

15 CHAIRPERSON KRIEGER: The property is zoned single
16 family residential.

17 So you're the petitioner?

18 MR. DAMUTH: Yes, ma'am. Ryan Damuth, R-y-a-n
19 D-a-m-u-t-h. I live at 23218 West LeBost.

20 CHAIRPERSON KRIEGER: If you can swear in.

21 MR. DAMUTH: I'm sorry.

22 MS. OPPERMANN: Do you swear or affirm to tell the
23 truth in the case before you?

24 MR. DAMUTH: Yes, I do.

25 MS. OPPERMANN: Thank you.

1 MR. DAMUTH: I've lived there for going on 10
2 years, a little over 10 years now. When I bought the
3 property, bought the house, there was an existing shed. I
4 used that shed. It was on a slab of concrete outside of the
5 side of my house. As you can see, if you can see the picture
6 there in the packet or I can put this one up here.

7 I don't know how good that's going to come up,
8 though.

9 (Document displayed.)

10 MR. DAMUTH: I live on a corner lot so I don't
11 really have a backyard. My whole yard is my side yard. I
12 also -- in my backyard there's a big tree right in the
13 center. You can see where the existing shed was. It was
14 there when I bought the property. It was old and decrepit.
15 It was deteriorating. It was falling. The concrete
16 underneath it was cracked and was sinking. So I chose to
17 tear the shed down and get rid of because it was an eyesore
18 because it is on the side of the property.

19 Replace the concrete underneath and I would like to
20 put up a new shed in the same spot. My property does not
21 allow for Novi's new ordinance of 10 feet away from the house
22 in the backyard. I don't have even 10 feet in my backyard.

23 So I'm just seeking your approval to be able to put
24 up the same size shed in the same spot that I tore the old
25 one down from.

1 CHAIRPERSON KRIEGER: Okay. Is that it?

2 MR. DAMUTH: I think so.

3 CHAIRPERSON KRIEGER: Okay. Anybody in the
4 audience?

5 Would you like to speak?

6 FEMALE SPEAKER: I would like to say we have the
7 HOA approval.

8 MR. DAMUTH: I do. It's actually right here on
9 this same form.

10 (Court reporter clarification.)

11 MR. DAMUTH: I'm sorry. This is my wife.

12 CHAIRPERSON KRIEGER: I guess it would be his
13 input.

14 MS. DAMUTH: Elizabeth Damuth.

15 CHAIRPERSON KRIEGER: Should I swear her in?

16 MS. SAARELA: Sure.

17 MS. OPPERMANN: Do you swear or affirm to tell the
18 truth?

19 MS. DAMUTH: I do.

20 MS. OPPERMANN: Thank you.

21 MS. DAMUTH: I just wanted to point out that we do
22 have the HOA approval.

23 CHAIRPERSON KRIEGER: Very good.

24 MR. DAMUTH: And I do believe there were some
25 letters. My neighbors already did let me know that they've

1 sent letters back with having no problem with it.

2 CHAIRPERSON KRIEGER: All right. Very good.

3 Any correspondence?

4 MS. OPPERMANN: Yup. There were 39 letters sent
5 out. No returns. Three approvals. No objections.

6 First approval is: "Our neighbor's shed on the
7 side of their house has never bothered us. We live
8 kitty-korner across the street from them and have a clear
9 view of it. Never thought it looked like an eyesore.
10 Hopefully, they're allowed to put a new one on. It will be a
11 welcome addition and it will be brand new and anything that's
12 new, looks good." That's from Clarence and Terry
13 M-i-c-h-o-w-s-k-i at 23199 West LeBost.

14 Next is just a simple approval from Laurence and
15 Pamela L-a-i-c-h-a-l-k at 23211 West LeBost.

16 And another simple approval from Nancy Thomas at
17 23150 West LeBost.

18 CHAIRPERSON KRIEGER: Thank you.

19 Larry, from the City?

20 MR. BUTLER: No comment from the City.

21 CHAIRPERSON KRIEGER: Thank you.

22 And to the board?

23 MEMBER THOMPSON: The shed that you have listed by
24 Tuff Shed, is that what you guys plan to put up?

25 MR. DAMUTH: That was my original plan. I have

1 gone to another one at Lowe's. It's actually a little bit
2 smaller. It's only an eight by 10 that I want to get from
3 Lowe's. It's actually cheaper and looks better.

4 But it's the same material. Same width. It's
5 going to be eight by eight coming off of the house there.
6 Just enough to store my lawn mower, my tractor and a couple
7 of bicycles to get them out of my garage.

8 The Tuff Shed was the original plan. They
9 skyrocketed and then they wouldn't even be able to put one up
10 until January or February. So I can't wait that long.

11 CHAIRPERSON KRIEGER: Yeah. We can approve a
12 smaller.

13 Yes?

14 MEMBER LONGO: I drove by the property. First of
15 all, thank you for your service.

16 MR. DAMUTH: Thank you.

17 MEMBER LONGO: The one issue that you need to be
18 cautious of and I think a couple of the neighbors mentioned
19 it, it's not in the backyard and, frankly, you don't have a
20 choice. So it's in the side yard and there's other streets
21 there. So, you know, having it -- and the person over here
22 asked the question is this the one that you're going to use?
23 It needs to be a nice. It doesn't have to be fancy, but it
24 has to be nice and clean. So I think that's what they were
25 saying. But based on that, I'm in favor of this.

1 MR. DAMUTH: Thank you. It will be nice and clean
2 and fresh.

3 MEMBER THOMPSON: I'm just familiar with Tuff Shed
4 and they build a good product.

5 MR. DAMUTH: They do. And, actually, I'm happy
6 with what I have in there, but I found it's a similar size
7 shed. I mean, the same construction and everything at Lowe's
8 and it's about \$2,000 cheaper.

9 And I can get it about three months earlier.

10 CHAIRPERSON KRIEGER: And for the -- so it's just
11 going to be like bicycles and not -- I guess fire safety
12 would be gasoline, if you're having stuff like that in
13 there.

14 MR. DAMUTH: The only thing that would be in there
15 would be my lawn tractor and lawn mower.

16 CHAIRPERSON KRIEGER: So regular household items?

17 MR. DAMUTH: Regular household items. And, yup
18 when you run out of room and it's a side yard, I see your
19 issue. So I would be able to support your request.

20 MR. DAMUTH: Thank you.

21 CHAIRPERSON KRIEGER: Any other comments or a
22 motion?

23 MEMBER LONGO: I move that we grant the variance in
24 case number PZ21-0045 sought by Ryan Damuth for variances for
25 a structure on the side yard versus the backyard. The

1 petitioner has shown practical difficulty because, frankly,
2 there's no room in the back yard.

3 Without the variance the petitioner would be
4 unreasonably prevented or limited with respect to using the
5 property because there is not enough room for any structure
6 in the backyard.

7 The property is unique because of the minimum
8 backyard. The petitioner did not create the condition
9 because they purchased the property as it is.

10 The relief granted would not unreasonably interfere
11 with the adjacent or surrounding properties because there is
12 not a visual obstruction for the neighbors. The relief is
13 consistent with the spirit and intent of the ordinance
14 because the intent is to keep the neighborhood attractive.

15 CHAIRPERSON KRIEGER: Any second?

16 MEMBER MONTAGUE: Second.

17 CHAIRPERSON KRIEGER: Okay. We have a motion and a
18 second. No other comments.

19 Katherine, if you would, call the roll.

20 MS. OPPERMANN: Yes. Member Longo?

21 MEMBER LONGO: I approve.

22 MS. OPPERMANN: Member Thompson?

23 MEMBER THOMPSON: Yes.

24 MS. OPPERMANN: Member Montague?

25 MEMBER MONTAGUE: Yes.

1 MS. OPPERMANN: And Member Krieger?

2 CHAIRPERSON KRIEGER: Yes.

3 MS. OPPERMANN: Motion passes.

4 MR. DAMUTH: Thank you.

5 CHAIRPERSON KRIEGER: Best wishes.

6 MR. DAMUTH: Thank you.

7 MS. DAMUTH: Thank you.

8 CHAIRPERSON KRIEGER: All righty. That brings us
9 to other matters. Proposed reconsideration of case number
10 PZ21-0022. Is that this case that we started with?

11 MS. SAARELA: That's correct.

12 CHAIRPERSON KRIEGER: Okay.

13 MS. SAARELA: So anybody who approved, moved to
14 approve the motion, if you changed your mind about it, you
15 would be the ones who moved to reconsider the matter. It
16 would have to be someone that approved that.

17 MEMBER LONGO: I approved that and I do move that
18 we reconsider exactly just the portion that we talked about,
19 which actually Clift brought up at the meeting. Instead of a
20 four-car garage a three-car garage and the --

21 MS. SAARELA: So before you move to reconsider the
22 content of the discussion, you have to get a majority vote to
23 reconsider.

24 MEMBER LONGO: I move that we reconsider. Thank
25 you.

1 CHAIRPERSON KRIEGER: Any second?

2 MEMBER THOMPSON: Yes.

3 CHAIRPERSON KRIEGER: We have a motion and a
4 second. Do we have to roll call?

5 MS. OPPERMANN: Yes.

6 CHAIRPERSON KRIEGER: Okay. Roll call this motion.

7 MS. OPPERMANN: Member Longo?

8 MEMBER LONGO: Yes.

9 MS. OPPERMAN: Member Krieger?

10 CHAIRPERSON KRIEGER: Yes.

11 MS. OPPERMANN: Member Montague?

12 MEMBER MONTAGUE: Yes.

13 MS. OPPERMANN: And Member Thompson?

14 MEMBER THOMPSON: Yes.

15 MS. SAARELA: So if you're going to actually
16 reconsider the content of this, you may want to invite the
17 applicant back.

18 CHAIRPERSON KRIEGER: Right.

19 MEMBER MONTAGUE: That would be fair.

20 CHAIRPERSON KRIEGER: So bring it up in the next
21 meeting or ...

22 MEMBER LONGO: No. Right now.

23 CHAIRPERSON KRIEGER: Right now?

24 MS. SAARELA: Well, he's not the applicant.

25 MEMBER MONTAGUE: We should have the applicant

1 here.

2 CHAIRPERSON KRIEGER: If he's on the Lakeshore
3 Homeowners, why wasn't that -- I guess that's not necessarily
4 part of it but, I remember the discussion that he was talking
5 about three cars. That he's willing to do that. So I don't
6 know if he actually had gone to doing that, but that was an
7 idea that we were talking about.

8 MEMBER LONGO: It was Michael.

9 MEMBER MONTAGUE: Yeah. But we didn't make a
10 condition of that.

11 MEMBER LONGO: That's right.

12 MEMBER MONTAGUE: So they could have gone with what
13 they had. So we can certainly, I guess, ask them that for
14 the next time on the redo.

15 MS. SAARELA: That's going to have to be placed
16 back on the agenda and renotified.

17 CHAIRPERSON KRIEGER: Yup.

18 MEMBER THOMPSON: So is there like a place where we
19 can have a meeting with people and sit down and just have a
20 regular conversation?

21 CHAIRPERSON KRIEGER: No.

22 MEMBER THOMPSON: A nonformal conversation?

23 CHAIRPERSON KRIEGER: No.

24 MR. BUTLER: They can talk to the City but not the
25 ZBA.

1 MEMBER THOMPSON: Okay.

2 CHAIRPERSON KRIEGER: So it would be
3 September/October?

4 MS. OPPERMANN: September 14th.

5 CHAIRPERSON KRIEGER: Okay.

6 MEMBER THOMPSON: What if the people already
7 started, like, building their house?

8 MS. SAARELA: That can be problematic.

9 CHAIRPERSON KRIEGER: Well, if they're setting the
10 foundation, you don't necessarily have --

11 MR. CONDON: Nothing's started.

12 CHAIRPERSON KRIEGER: Pardon?

13 MR. CONDON: Nothing's started.

14 CHAIRPERSON KRIEGER: So you can send them a notice
15 tomorrow that we'd like to see them next month and not to
16 start building?

17 MR. BUTLER: We'll have to call them. We'll call
18 them tomorrow.

19 MS. OPPERMANN: Yes.

20 CHAIRPERSON KRIEGER: And then we can clarify.

21 MEMBER THOMPSON: No point we can have, like, a
22 roundtable conversation?

23 MS. SAARELA: No. It's called Open Meetings Act.
24 We're subject to public noticing everything in accordance
25 with our Rules of Procedure and Open Meetings Act and Zoning

1 Ordinance. It all has to be done in an open meeting.

2 MEMBER THOMPSON: Okay.

3 MR. BUTLER: Open format.

4 MEMBER THOMPSON: I was just wondering because I
5 felt like last time ...

6 MS. SAARELA: If they want to meet together without
7 the board, they're welcome to meet with the neighbors. But
8 the board cannot meet outside of open meetings.

9 MEMBER THOMPSON: Okay. I think my question was
10 last time the homeowner spoke and he spoke and then the
11 homeowner spoke and he wasn't allowed to speak again.

12 CHAIRPERSON KRIEGER: Right.

13 MS. SAARELA: Right. So there's a procedure that
14 we go through about when people are allowed to speak. When
15 the public is allowed to speak. There's a portion of our
16 hearing process here that is for the applicant. There's a
17 portion that is for public comment and when public comment is
18 over, the public is not allowed to come back and speak again.

19 MEMBER THOMPSON: Got it. Okay.

20 CHAIRPERSON KRIEGER: Okay. So motion to adjourn?
21 Any other issues or a motion to adjourn motion?

22 MEMBER MONTAGUE: Motion to adjourn?

23 MEMBER LONGO: Second.

24 CHAIRPERSON KRIEGER: All in favor?

25 THE BOARD: Aye.

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CHAIRPERSON KRIEGER: We're adjourned. 8:10.
(At 8:10 p.m., matter concluded.)

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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 fifty-nine (59) typewritten pages, is a true and correct transcript of my said stenographic notes.

/s/Darlene K. May
Darlene K. May, Notary Public
Oakland County, Michigan
My commission expires: 01-13-2024

August 31, 2021
(Date)