

REGULAR MEETING - ZONING BOARD OF APPEALS

CITY OF NOVI

TUESDAY, OCTOBER 8, 2019 7:00 P.M.

Council Chambers/Novi Civic Center

BOARD MEMBERS:

Joe Peddiboyina, Chairperson

Linda Krieger, Acting Secretary

David M. Byrwa

Kevin Sanker

Michael Longo

Siddharth Mav Sanghvi

Clift Montague

ALSO PRESENT:

Elizabeth Saarela, City Attorney

Lawrence Butler, Community Development,  
Deputy Director

Katherine Opperman, Recording Secretary

Reported by:

Cynthia Ann Chyla

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1 Novi, Michigan

2 Tuesday, October 8, 2019

3 7:00 p.m.

4 - - -

5 CHAIRPERSON PEDDIBOYINA: Good evening and welcome  
6 to the Novi Zoning Board of Appeals on Tuesday,  
7 October 10th, 2019. We will call to order and, please,  
8 everybody stand up for the Pledge of Allegiance lead by  
9 Michael.

10 (Pledge of Allegiance)

11 CHAIRPERSON PEDDIBOYINA: Thank you.

12 Okay. Please call for the roll.

13 Kathryn.

14 MS. OPPERMAN: Member Byrwa.

15 MEMBER BYRWA: Here.

16 MS. OPPERMAN: Chairperson Peddiboyina.

17 CHAIRPERSON PEDDIBOYINA: Yes, please.

18 MS. OPPERMAN: Member Krieger.

19 MEMBER KRIEGER: Here.

20 MS. OPPERMAN: Member Longo.

21 MEMBER LONGO: Here.

22 MS. OPPERMAN: Member Sanker.

23 MEMBER SANKER: Here.

1 MS. OPPERMAN: Member Sanghvi.

2 MEMBER SANGHVI: Yeah.

3 MS. OPPERMAN: And Member Montague.

4 MEMBER MONTAGUE: Here.

5 MS. OPPERMAN: All present.

6 CHAIRPERSON PEDDIBOYINA: Okay. Thank you.

7 All right. We have a Board enough and a quorum.

8 Public Hearing Rules of Conduct which we'll just have any --  
9 please turn off your silent mode on your phones and we have  
10 a public hearing wherein each case is called, upon anyone  
11 can make any remarks.

12 It is on the television at home. And the people  
13 can come to the podium and speak and they will be an  
14 overhead and that will show up on the computer for the  
15 people at the home as well. And that when people come up to  
16 the podium, state your name and spell for the court recorder  
17 and be sworn by the secretary if you are not an attorney.

18 And then we have the agenda tonight. We have  
19 almost -- how many cases?

20 MS. OPPERMAN: Six cases.

21 CHAIRPERSON PEDDIBOYINA: Six cases. Okay.

22 Approval of agenda. Is there any changes?

23 MS. OPPERMAN: There are not.

1 CHAIRPERSON PEDDIBOYINA: Thank you. All right.

2 And so move to -- we have a motion for that.

3 MEMBER KRIEGER: I move to approve the agenda.

4 MEMBER SANKER: Second.

5 CHAIRPERSON PEDDIBOYINA: Thank you. All in  
6 favor.

7 (All indicate aye)

8 CHAIRPERSON PEDDIBOYINA: So we have an agenda and  
9 we have things approved in August or September? Meeting  
10 minutes last month and before?

11 MS. OPPERMAN: Correct, yes.

12 CHAIRPERSON PEDDIBOYINA: Okay. Any changes?  
13 Okay. Do you have any motion for that?

14 MEMBER KRIEGER: I move for August and September  
15 minutes to be accepted.

16 MEMBER SANKER: Second.

17 CHAIRPERSON PEDDIBOYINA: Okay. Say aye.

18 MEMBER KRIEGER: Yes.

19 MEMBER SANGHVI: I like to make an amendment in  
20 the September minutes. On page 11, Line 21, it should read  
21 I did get out of my car and went to the yard and looked  
22 around instead of saying I didn't. That's why you saw my  
23 dog. You remember, he made a comment about the dog.

1           And on page 26, Line 20 should read on E. Lake  
2 Drive.

3           Thank you.

4           CHAIRPERSON PEDDIBOYINA: Okay. Any other things?

5           Okay. Say aye.

6           MEMBER SANGHVI: Thank you.

7           CHAIRPERSON PEDDIBOYINA: Motion is approved.

8           MEMBER KRIEGER: All in favor.

9           (All indicate aye)

10          CHAIRPERSON PEDDIBOYINA: Thank you.

11          MEMBER KRIEGER: Opposed? Aye.

12          CHAIRPERSON PEDDIBOYINA: Public remarks, anyone  
13 have regarding, other than the cases, have something for the  
14 ZBA you can come to the podium and say now, any comments on  
15 the public apart from our agenda?

16          Seeing none. Okay. And let's move to the first  
17 case.

18          PZ19-0034, John Harvey, 151 Pickford Street, east  
19 of West Park Drive and south of W. Pontiac Trail, parcel  
20 Number 50-22-03-153-007.

21          The applicant is requesting a variance from the  
22 City of Novi Zoning Ordinance, Section 4.19(E)i, for a 758  
23 square feet of variance for a proposed 1,608 square feet of

1 garage space, 850 square feet and 14 feet height allowed by  
2 code. The applicant is proposing an attached garage in  
3 addition to existing attached garage. This property is  
4 zoned single family residence R-4.

5 MEMBER KRIEGER: Are you an attorney?

6 MR. HARVEY: I am not an attorney.

7 MEMBER KRIEGER: Do you swear or affirm to tell  
8 the truth in this case?

9 MR. HARVEY: I do.

10 CHAIRPERSON PEDDIBOYINA: Madam Secretary.

11 MEMBER KRIEGER: All right. Thank you.

12 CHAIRPERSON PEDDIBOYINA: Okay. Please go ahead  
13 and spell your name.

14 MR. HARVEY: My name is John Harvey. I'm asking  
15 for a variance at 151 Pickford Street in Novi.

16 The property is an old cottage and at some point  
17 in its history there was an outbuilding and there was an  
18 addition put on, I think it was put on in the '70s, sort of  
19 a breezeway that connects this outbuilding to the house.

20 So the house currently has an attached garage.  
21 Its square footage is a little over 900, I don't remember  
22 the exact number but over 900 square feet. Although that  
23 seems like a wonderful garage it's very low ceiling height.

1 The garage is less than 7 feet high. It's just over 6 feet,  
2 so, really, only a small car can get in. And even though  
3 the footprint is 900 square feet, one-quarter of that is  
4 actually about 10 inches below the garage floor height. So,  
5 actually, there's a cutout in the corner and there's a wall  
6 inside the garage that holds up the ceiling and it's sort of  
7 a little workroom or a little utility room in the back of  
8 the existing garage.

9 Also, the house is on a crawlspace so there's no  
10 basement and, so, really the garage that's there is  
11 primarily used for storage. You know, we put old furniture  
12 out there, you know, the washer and dryer that you're not  
13 going to throw away that belong to your parents, things like  
14 that that gets stored in there.

15 We can get one car in but what we're proposing is  
16 to build a detached garage, 24 x 28 along the side of the  
17 house. There's plenty of room on the side. We're  
18 respecting the side yard setback. We're respecting the  
19 front setback, the rear setback. We're respecting the lot  
20 coverage requirement. We're 10 feet from the house as is  
21 required and, really, the only variance I need is -- the  
22 height requirement is okay. It's just a standard 8-foot  
23 high garage, nothing tall, and the only variance I need is



1 for the total allowable square feet of storage space because  
2 this existing garage and the new garage together exceed the  
3 850-foot requirement.

4 Also, the property is down near the lake. We have  
5 lake access at the end of the street so we've got kayaks and  
6 boats and trailers, and I really want to just try to and get  
7 that stuff in the garage so that looks better and it's  
8 easier to maintain. It's hard to cut the grass around the  
9 trailers and, you know, keep it to look nice. So I think  
10 putting the stuff inside helps protect the things that we  
11 own and also will look better in the neighborhood.

12 CHAIRPERSON PEDDIBOYINA: Okay. Anything you want  
13 to say?

14 MR. HARVEY: That's it.

15 CHAIRPERSON PEDDIBOYINA: Thank you.

16 Anyone in the audience want to speak on this case,  
17 please come up to the podium, please.

18 Thank you.

19 MEMBER KRIEGER: By the way, do you have a picture  
20 you can put on the overhead for viewers to see at home?

21 MR. HARVEY: I apologize. I didn't bring any. I  
22 thought you guys would have it as part of the copies that  
23 were printed.

1 MR. HEAD: My name is Kyle Head. I live at 144  
2 Pickford Street, which is the property directly across the  
3 street from the property in question which is my  
4 mother-in-law's house. She's here. I live there with my  
5 mother-in-law, my wife and my 4-year old daughter.

6 There's something here that this gentleman is not  
7 being truthful about. This property is being used as a  
8 commercial storage facility currently and that's what he's  
9 trying to do, is trying to keep the City from knowing what  
10 he's doing over there.

11 I have watched in the last 2 weeks five or six  
12 different people that are not this gentleman come. There is  
13 a number of different boats, there's a number of different  
14 broken down cars, there's a number of different trailers,  
15 five or six different vehicles pulling in and out of there.  
16 Three of them have hit our mailbox, one of which I was  
17 standing on the porch. The gentleman looked at me, put his  
18 hand on the mailbox, it's now leaning, looked at me and got  
19 in his vehicle and went away.

20 I've never seen this gentleman before in my life.  
21 This is a rental property. He is sitting here portraying to  
22 you like this is his home and these are his things that he's  
23 worried about storing. That is not the truth. He rents

1 this house out and this house has been a rental property for  
2 a number of years. My mother-in-law has been in the  
3 neighborhood for 45 years. Her father was one of the people  
4 that built six houses in this neighborhood.

5 I can tell you right now that the way this is  
6 being portrayed is not exactly the situation and I feel like  
7 this gentleman felt like he was going to slip this variance  
8 in and nobody from the neighborhood was going to show up and  
9 say anything, and I'm actually pretty perturbed that the  
10 home owners association didn't show up, and my mother-in-law  
11 and me are the only ones here speaking up about this.

12 Because this is going to -- if he does this this  
13 is going to decrease our property value and the property  
14 value of everybody's house there on the street if there's a  
15 storage facility, a commercial storage building being ran  
16 out of a residential neighborhood which is -- which is  
17 happening, and I can bring pictures of all of this if you  
18 would like.

19 And that's all I have to say.

20 CHAIRPERSON PEDDIBOYINA: Okay. Thank you.

21 Anyone else?

22 MR. HARVEY: Am I allowed to rebut that?

23 MEMBER KRIEGER: In a minute.

1 CHAIRMAN PEDDIBOYINA: One second, please.

2 Thank you.

3 MR. EBERLEIN: Hi. My name is Greg Eberlein. I  
4 live at 137 Pickford Street which is the house directly next  
5 door. I can verify, yeah, there are many broken down  
6 vehicles and trailers and I have never seen that guy before.  
7 I've been living there a year now and I want to just say no  
8 to the proposal.

9 CHAIRPERSON PEDDIBOYINA: Thank you.

10 Okay. Anyone in the audience, please?

11 Okay. Please you can come and ....

12 MR. HARVEY: So, I'm not trying to deceive  
13 anybody. Some of the things that the gentleman said are  
14 true. I do rent the house out. I purchased it as a second  
15 home quite some time ago. I live on the lake and, so, I  
16 use -- I rent out the house and I store some trailers there  
17 because I don't have any space on the lake where I live.

18 Everything that's in the yard is behind the plane  
19 of the house, it all meets the requirements of the City and  
20 everything that's there belongs to me. We don't rent it to  
21 anybody or lease out any commercial space. The cars that  
22 he's referring to, they all have license plates on them. My  
23 pickup truck, I store it over there sometimes because my

1 driveway is too full. I've got a number of cars, and my  
2 daughter's car is there right now because she's at college  
3 so I parked it over there so that I can park in my driveway  
4 at my house. And that's why I want this garage, so I can  
5 put my kids' cars and my extra car in there. And my kids  
6 are graduating college in the next couple of years and so I  
7 have plans to use this house and that's why I purchased --

8 MR. HEAD: So why have we never seen you and only  
9 seen a half dozen --

10 CHAIRPERSON PEDDIBOYINA: Sorry, sorry, one  
11 second, please. Let him talk. Thank you.

12 MR. HARVEY: As far as the cars that came out of  
13 there that hit his mailbox, I don't have any knowledge if  
14 somebody else's parked in that lot unbeknownst to me.  
15 Certainly if I ever hit one of my neighbor's mailbox I would  
16 certainly take care of that. But I don't know, I don't know  
17 what he's referring to.

18 I can assure you that everything that's in that  
19 lot is mine. It's all registered, it all has license plates  
20 on it. Everything there belongs to me.

21 CHAIRPERSON PEDDIBOYINA: Okay. Thank you.

22 Okay. Anybody in the audience that wants to  
23 speak, please?

1 MR. HEAD: Now I do again. I have a rebuttal to  
2 that.

3 This is ridiculous. This man is going to sit up  
4 here and just say -- I just said and another neighbor just  
5 came and said that they haven't seen him. All right. My  
6 mother-in-law can testify to this, my wife can testify to  
7 this. I just said a number of different people who have not  
8 been this gentleman have pulled different vehicles out of  
9 that lot and taken trailers and property out of that lot and  
10 hit my mailbox that weren't him. So what he just said to  
11 you is a blatant lie.

12 CHAIRPERSON PEDDIBOYINA: Thank you.

13 MR. HEAD: Period.

14 CHAIRPERSON PEDDIBOYINA: Okay. Please come up to  
15 the podium.

16 MEMBER KRIEGER: You're the petitioner. Come stay  
17 up here.

18 CHAIRPERSON PEDDIBOYINA: If you can stand at the  
19 podium, please. You can stand --

20 MR. HARVEY: You want me go up there?

21 CHAIRMAN PEDDIBOYINA: Yeah, you can stand next to  
22 the podium. Thank you.

23 MR. EBERLEIN: I also would like to point out the

1 fact that currently there are prefabricated trusses in the  
2 garage door sitting on the property right now. I don't know  
3 what his intentions are with those, but do what you want  
4 with that.

5 CHAIRPERSON PEDDIBOYINA: Okay. And the final  
6 call for the public hearing in this case, please.

7 Okay. Seeing none.

8 Okay. And from the City?

9 MR. BUTLER: The only comment I'd say is I have  
10 not seen any history of any ordinance violations of any  
11 extra vehicles that were like disabled or trashed up in the  
12 yard, but we can follow up on that just for the history of  
13 it.

14 CHAIRPERSON PEDDIBOYINA: Okay. Thank you.  
15 Corresponding Secretary.

16 MEMBER KRIEGER: In Case Number PZ19-0034, 48  
17 letters were sent, zero returned, one approval contingent,  
18 two objections.

19 The first one is: We object to the proposal for  
20 the following reasons: The home is used as a rental  
21 property. We have heard that he is also using to rent  
22 storage space for the various vehicles and trailers on the  
23 property. If this -- if this true that means he is using

1 the property as commercial property. He also has trusses  
2 assembled on the property for structure of some type. We  
3 believe he intends to proceed with construction. That's  
4 from Greg Eberlein, E-B-E-R-L-E-I-N on Pickford.

5 Hello, my name is Rebecca Walker and my husband  
6 Marty Eakin -- E-A- K-I-N -- and I live at 1980 S. Lake  
7 Court, Novi. Our property is located directly behind 151  
8 Pickford. Currently there is a large section of broken and  
9 missing fence bordering the parcel that the proposed  
10 detached garage would be located. This section of fence has  
11 been damaged for over a year. It is suspected that the  
12 fence was knocked over by a boat that was backed into the  
13 lot for storage. Please see the attached pictures for  
14 reference. Our approval of this domestic variance is  
15 contingent upon repair of the fence before or during  
16 construction of the attached garage. And please let me know  
17 if you have any questions or any additional information.  
18 Thank you, Rebecca Walker.

19 And the third one is: Please note my objection to  
20 the request variance. Please take into consideration the  
21 property owner does not live at this location. This is a  
22 rental property zoned single family residential, and adding  
23 another building for storage to be used by someone other



1 than the person who lives at the location should be  
2 considered a storage unit, not a garage. For that purpose  
3 this should not be approved. He states on his application  
4 the subdivision is close to and has access to Walled Lake.  
5 He needs additional space to store his boats, Jet Ski,  
6 et cetera. These items are from his home located at 1321  
7 W. Lake, not from the renter's located at 151 Pickford.  
8 The property owner also stated on his application the  
9 current garage on the property has a step in the floor and a  
10 low ceiling height, unusable for large vehicles and boats.  
11 They should probably repair the garage already on the  
12 property. We strongly object to adding another building on  
13 this property. Mark and Kathy H-A-T-C-H-I-G-I-N.

14 Thank you. That's it.

15 CHAIRPERSON PEDDIBOYINA: Thank you, Secretary.

16 And I would like to request any in the audience  
17 and I don't want to now -- please come to the podium first  
18 to talk at the podium only. Thank you so much.

19 Now I'm putting this case to the Board. Do you  
20 want to speak on the ....

21 Okay, Mr. --

22 MEMBER SANGHVI: Thank you. Thank you, Mr. Chair.  
23 Thank you, Mr. Harvey. I came and looked at the property

1 which you are talking about and I did see quite a few things  
2 in your yard, and my question is why aren't you calling this  
3 a storage shack instead of a garage?

4 MR. HARVEY: Because of the size of it.

5 MEMBER SANGHVI: You need a place to keep things  
6 in; right? Storage space you are looking for?

7 MR. HARVEY: Yeah. I mean, it's going to have a  
8 garage door and it will have cars in it as well as, like I  
9 said, boats and trailers, so that's why I -- I wasn't -- I  
10 called it a garage because that's what I thought it was.

11 MEMBER SANGHVI: Because the one you have  
12 described so far you really need to put stuff inside in this  
13 kind of weather to store things.

14 MR. HARVEY: Honestly, I was trying to just clean  
15 the property up. You know, there's a lot of stuff there and  
16 it looks unsightly to me, so I assume it looks unsightly to  
17 everyone else.

18 MEMBER SANGHVI: Okay. I have a question for  
19 Mr. Butler. What is the difference, the requirement for a  
20 garage and a storage shed?

21 MR. BUTLER: It is an accessory building. Overall  
22 it's a considered an accessory building, a garage which is  
23 also an accessory building. He has already an existing

1 garage. He wants another as a garage. He can call it  
2 either a garage or an accessory building. If he's using it  
3 for storage, he's using it for storage but by definition  
4 it's still a garage.

5 MEMBER SANGHVI: But aren't there difference in  
6 the ordinance about requirement for a garage rather than a  
7 storage?

8 MR. BUTLER: No. It still falls under --

9 MEMBER SANGHVI: They're both identical?

10 MR. BUTLER: No. 850 square feet.

11 MEMBER SANGHVI: I don't have any more questions.

12 Thank you.

13 CHAIRPERSON PEDDIBOYINA: Thank you.

14 Anyone else on the Board?

15 Okay. Linda.

16 MEMBER KRIEGER: For counsel, the ownership of the  
17 property, is that necessary for additions?

18 MS. SAARELA: Well, if he owns it, he can file the  
19 application whether he's renting it out or not.

20 MEMBER KRIEGER: Okay.

21 MS. SAARELA: So it sounds like the neighbors are  
22 indicating that he rents it out to third parties. He's  
23 still the owner, he still can apply for a variance.

1 MEMBER KRIEGER: So he's paying the taxes on the  
2 property?

3 MS. SAARELA: I don't know that, but as the owner  
4 he would probably be getting the tax bill unless he directed  
5 it elsewhere.

6 MEMBER KRIEGER: Okay. And then for you you're  
7 asking for 758 square feet larger? Is that the smallest  
8 that you can create for an additional garage?

9 MR. HARVEY: Well, actually, the existing attached  
10 garage is already in excess of the 850, so the garage that  
11 I'm proposing is less than 700 more. It's 28 by 24. I  
12 don't remember the numbers exactly, but I could type it on  
13 my calculator.

14 I mean, it's -- I was trying to be able to get as  
15 much of this stuff inside as possible so that it could look  
16 nice. And I intentionally moved it far away from my  
17 neighbor that's on the east side, you know, that's really  
18 the person that it would be closest to. The requirement was  
19 for a 6-yard setback there and I made it 10, because I could  
20 line it up with the backside of the other house. I was  
21 trying to make it fit as best I could.

22 MEMBER KRIEGER: So if he calls it -- to the City,  
23 if he calls it a garage and he already has a garage, is that

1 why the number is so big?

2 MR. BUTLER: Because he's cutting the square  
3 footage of existing plus the one he's putting up. That's  
4 why the number is so big total. I believe that is what  
5 you're implying?

6 MR. HARVEY: That's the only variance is that  
7 together they exceed 850.

8 MEMBER KRIEGER: And regarding the statements and  
9 the correspondence that was -- regarding that property, the  
10 repair and upkeep of the property, you're going to put  
11 another building on for storage.

12 I drove by, I saw that there was another -- that  
13 the garage was there. You have a fence around it. I've  
14 noticed that, though, from like previous cases and other  
15 areas in the City there are no fences that visitors from out  
16 of town come and park on other people's properties without a  
17 fence. And, so, for the fence in the back, according to  
18 that -- could you address that, please.

19 MR. HARVEY: Well, there was a dog ear fence in  
20 the back of the property. The entire property was  
21 surrounded by a fence when I purchased it.

22 The poles have rotted out and the fence fell down,  
23 but it was -- I concluded that it was on my property. This

1 happened a couple of years ago and I haven't heard from the  
2 neighbor, there's been no contact. Quite honestly I was  
3 planning on putting the fence back up before I put the  
4 garage up so I have no issue with that.

5 MEMBER KRIEGER: So you could repair that first  
6 before?

7 MR. HARVEY: Yeah, yeah, I would be willing to do  
8 that.

9 MEMBER KRIEGER: Okay. That's it.

10 CHAIRPERSON PEDDIBOYINA: Thank you.

11 You mentioned that all the vehicles are on your  
12 name?

13 MR. HARVEY: Say that again.

14 CHAIRPERSON PEDDIBOYINA: The vehicles.

15 MR. HARVEY: Well, the one vehicle belongs to my  
16 daughter because she's up at school, but they belong to my  
17 family, me -- all of them belong to me except for the one  
18 that belongs to my daughter. And the trailers are all mine.  
19 I know it's hard to believe, but I like boats. I have a lot  
20 of boats.

21 CHAIRPERSON PEDDIBOYINA: How many vehicles are in  
22 your family?

23 MR. HARVEY: How many?

1 CHAIRPERSON PEDDIBOYINA: Vehicles.

2 MR. HARVEY: There's only one car there now, it's  
3 my daughter's. I have my pickup truck at my house because I  
4 was using it this week.

5 CHAIRPERSON PEDDIBOYINA: Okay. Thank.

6 Anyone else on the Board?

7 Okay. Please go ahead.

8 MEMBER SANKER: So do you intend to rent out that  
9 garage space as storage?

10 MR. HARVEY: No. I mean, I'm planning on using it  
11 for myself or I'll rent it with the property to the people  
12 that are living there, not to anyone else.

13 MEMBER SANKER: And why can't you build a garage  
14 on your primary property?

15 MR. HARVEY: Because there's no room. It's a  
16 lakefront lot and there's no room to build an additional  
17 garage there.

18 MEMBER SANKER: Okay. It seems like a reasonable  
19 option would be to rent out storage space. There's a lot of  
20 places that you can just rent storage and store RVs and  
21 boats and things like that. Why can't you do that?

22 MR. HARVEY: Well, I mean, I could do that, but I  
23 own this property and so I have the right to park things

1 behind the front plane of the house. I'm not in violation  
2 of any ordinances. There's been no calls or any complaints.

3 I actually -- you know, I talked to the ordinance  
4 officer a few times since I live in Novi. I've lived in  
5 Novi for 23 years. But I've never had a call or complaint  
6 from her. If I did I would take care of it immediately.

7 And, so, I have this property and I'm planning on  
8 owning it, you know, for quite some time and I think it  
9 would be an upgrade, an addition to the value of the home,  
10 and with the lakefront access that's why I bought this house  
11 when I did because I think that, you know, having access to  
12 the lake, and it's a ranch house, is something that I'm  
13 going to want to have in the future, so I'm just trying to  
14 build it so it's going to work for me does what I want it to  
15 do.

16 MEMBER SANKER: And have you ever had any issues  
17 with the tenants as far as you using the property for  
18 storage of the vehicles before?

19 MR. HARVEY: No. No. I don't rent -- you know,  
20 it's -- because it's like a second home, you know, some  
21 people own a second home up north and they'll rent it out to  
22 people and they'll come and ski and use the house, you know,  
23 and they keep a room for themselves in the home. And it's



1 pretty common for a second home for people to not rent the  
2 whole thing. And, so, when people rent, I tell them that,  
3 you know, I'm using the side but I'm renting them the rest.

4 MEMBER SANKER: Okay.

5 CHAIRPERSON PEDDIBOYINA: Thank you.

6 Go ahead.

7 MEMBER KRIEGER: A question for the City, I've  
8 forgotten. The renter for -- can you on a property do it as  
9 a commercial business where you can have other people store  
10 stuff on it and then charge them?

11 MR. BUTLER: It's not zoned for a commercial  
12 business, it's zoned for residential, so he's renting it as  
13 a property, as a rental, as a house to rent. He can do  
14 that. That's what I believe he said he's doing. But he  
15 can't rent it as a business unless it's designed for  
16 business.

17 MEMBER KRIEGER: Would they need a license for  
18 that?

19 MR. BUTLER: That I would not know.

20 MEMBER KRIEGER: Okay.

21 MS. SAARELA: He would need a rezoning for that.

22 MR. BUTLER: Yeah.

23 MEMBER KRIEGER: And there's no way to know that

1 that's done? Is there a way to know that's done?

2 MS. SAARELA: There would not be a way to know at  
3 this point whether he's renting his garage for commercial  
4 use without further investigating him, no.

5 MEMBER KRIEGER: Okay.

6 MR. HARVEY: That's true of anybody in any  
7 neighborhood.

8 MEMBER KRIEGER: For the renter that's there now,  
9 the space that's -- I couldn't -- I didn't see the back, but  
10 that whole spot that's going to be a garage, would that --  
11 that would usually be like a play area, so the renter that  
12 you have they don't have children or pets?

13 MR. HARVEY: No, they do. There's an entire  
14 fenced-in yard behind the house that they're using today.  
15 They have -- their dog runs back there. Like I said, with  
16 the existing house and the garage together, the total lot  
17 coverage is less than the 25 percent required, so 75 percent  
18 of my property is still grass.

19 MEMBER KRIEGER: Okay. Thank you.

20 CHAIRPERSON PEDDIBOYINA: Thank you.

21 I have another question. Since how long you  
22 rented this property?

23 MR. HARVEY: How long have I rented it?

1 CHAIRPERSON PEDDIBOYINA: Um-hmm.

2 MR. HARVEY: I purchased it in 2005.

3 CHAIRPERSON PEDDIBOYINA: Since then you have  
4 rented the property?

5 MR. HARVEY: Yes.

6 CHAIRPERSON PEDDIBOYINA: How many renters changed  
7 the property since 2005?

8 MR. HARVEY: Oh, I don't know. The people that  
9 are in there now have been in there about a year. The  
10 people that were there before them were there for about  
11 3 years. We've had a couple of tenants that were there for  
12 a year and one that was there for 6. So it just varies. It  
13 depends on sort of the economy and what's going on.

14 But, you know, I mean I'm available, my cell phone  
15 is available if the neighbors ever have any concerns. I  
16 actually got some feedback from the renters that somebody  
17 walked into their house, thought it was the wrong one and  
18 people were parking on the grass, so I've been kind of going  
19 over there to see what's going on. Because they were  
20 complaining themselves about some activity in the  
21 neighborhood. But I haven't had anybody complain about  
22 them. And, of course, people always have the right to call  
23 the police or call the City if they have any issue and I'm

1 sure the City would contact me directly if there was a  
2 problem.

3 CHAIRPERSON PEDDIBOYINA: Does your renter have  
4 any vehicles?

5 MR. HARVEY: Do they what?

6 CHAIRPERSON PEDDIBOYINA: Does your tenant have  
7 any vehicles?

8 MR. HARVEY: Do they have any?

9 CHAIRPERSON PEDDIBOYINA: Vehicles, any cars or  
10 anything for your tenant.

11 MR. HARVEY: Do they have cars?

12 CHAIRPERSON PEDDIBOYINA: Yeah.

13 MR. HARVEY: Yeah. There's a driveway in front of  
14 the garage there.

15 CHAIRPERSON PEDDIBOYINA: How many are here for  
16 them?

17 MR. HARVEY: I think they have 2 cars.

18 CHAIRPERSON PEDDIBOYINA: Two cars.

19 MR. HARVEY: I don't know for sure, to be honest.

20 CHAIRPERSON PEDDIBOYINA: And you're using the  
21 garage for storage for your purpose, not for the tenant?

22 MR. HARVEY: Well, I want to add the garage with  
23 the property. So, I can't promise you that I won't rent it

1 with the garage. Somebody -- if these people move out and  
2 somebody moves in and they have a lot of stuff and they want  
3 to put it in the garage and they're going to pay me extra  
4 rent for the house with the extra garage, I may rent that  
5 space to them. It just depends on, you know, what makes  
6 sense to the renter, the person that's arriving.

7 I know that right now the garage that's there I  
8 get people that tell me when they come to look at it and  
9 rent it that they can't pull a car in there. They can't  
10 pull a full-size car. You can pull a little small car in  
11 but the ceiling height is too small.

12 CHAIRPERSON PEDDIBOYINA: Did you rent the  
13 property along with the garage or it's separate?

14 MR. HARVEY: With the garage that's attached?

15 CHAIRPERSON PEDDIBOYINA: Yes.

16 MR. HARVEY: I rent that with the house.

17 CHAIRPERSON PEDDIBOYINA: With the house.

18 MR. HARVEY: That's how it's rented today.

19 CHAIRPERSON PEDDIBOYINA: Rented to the renter  
20 currently, but you're using your place?

21 MR. HARVEY: Pardon me?

22 CHAIRPERSON PEDDIBOYINA: You're using for that  
23 property, no?

1 MR. HARVEY: I have some of my trailers and stuff  
2 stored on the side of the property next to the garage behind  
3 them, behind the plane of the house.

4 CHAIRPERSON PEDDIBOYINA: Okay.

5 MR. HARVEY: If I park that stuff all in my yard  
6 it would all be on, you know, the lakefront and I'm just  
7 trying to find the best way to deal with it, you know.

8 CHAIRPERSON PEDDIBOYINA: Okay. Thank you.

9 Do the Board have any other questions?

10 MEMBER KRIEGER: No.

11 CHAIRPERSON PEDDIBOYINA: Okay, Linda.

12 Go ahead, motion.

13 MEMBER KRIEGER: In Case Number PZ19-0034 for John  
14 Harvey, 151 Pickford east of West Park and south of West  
15 Pontiac Trail, parcel 50-22-03-153-007, applicant is  
16 requesting variances from the City of Novi Zoning Ordinance  
17 Section 4.19(E)i for a 758-square foot variance for a  
18 proposed 1608 square feet of garage space, 850 square feet  
19 and 14-foot height allowed by code. Applicant is proposing  
20 a detached garage in addition to existing attached garage.

21 The -- I move that we deny the variance in this  
22 case sought by the petitioner because he has not shown a  
23 practical difficulty requiring the amount of increase, 758

1 feet in the garage.

2           The circumstances and features of the property  
3 including its footprint and topography are not unique  
4 because they exist generally throughout the City. The  
5 circumstances and features of the property relating to the  
6 variance request are self-created because the person owns  
7 two properties and rented -- and the house is rented and  
8 petitioner can choose other options.

9           The failure to grant relief will result in mere  
10 inconvenience or inability to attain higher economic or  
11 financial return. Based on the petitioner's statement, the  
12 petitioner has these two properties and other options are  
13 available.

14           The variance would result in interference in the  
15 adjacent and surrounding properties by the increase.  
16 Granting the variance would be consistent with the spirit  
17 and intent of the ordinance because it's not a minimal  
18 request.

19           MEMBER BYRWA: I second.

20           CHAIRPERSON PEDDIBOYINA: Okay.

21           MEMBER KRIEGER: Council.

22           CHAIRPERSON PEDDIBOYINA: Go ahead, Kathryn, call  
23 the role.

1 MS. OPPERMAN: Member Sanker?  
2 MEMBER SANKER: Agreed.  
3 MS. OPPERMAN: Member Sanghvi?  
4 MEMBER SANGHVI: No.  
5 MS. OPPERMAN: Member Longo.  
6 MEMBER LONGO: Agreed.  
7 MS. OPPERMAN: Member Krieger.  
8 MEMBER KRIEGER: Yes.  
9 MS. OPPERMAN: Chairperson Peddiboyina?  
10 CHAIRPERSON PEDDIBOYINA: Yes.  
11 MS. OPPERMAN: Member Byrwa.  
12 MEMBER BYRWA: Yes.  
13 MS. OPPERMAN: And Member Montague?  
14 MEMBER MONTAGUE: Yes.  
15 MS. OPPERMAN: Motion passes.  
16 CHAIRPERSON PEDDIBOYINA: Thank you.  
17 MR. HARVEY: Thank you very much for your time.  
18 CHAIRPERSON PEDDIBOYINA: Let's go for Case Number  
19 2. It's a long case number. For you, if anything, I'm  
20 going too fast let me know, I can slow down. Thank you.  
21 PZ19-0036, the Goddard School, 39659 Thirteen Mile  
22 Road west of Haggerty and south of Thirteen Mile Road,  
23 Parcel Number 50-22-12-20 0-050.



1           The applicant is requesting a variance from the  
2 City of Novi Zoning Code Section 4.12.i.a for a proposed  
3 19,033 square feet of outdoor recreation area, 23,400 square  
4 feet required by code.

5           Section 4.12.2.i.a for a proposed recreation area  
6 occupying 63.87 percent of the exterior side yard, up to  
7 25 percent of the distance between the building and the  
8 property allowed by code.

9           Section 5.4.3 for the absence of a loading zone.  
10 Section 5.2 for the deficiency of parking space, 40 space  
11 proposed, 41 required by code.

12           Section 4.19.2.f for a proposed dumpster located  
13 in the front yard. Dumpsters are required to be located in  
14 the rear yard by code.

15           Section 4.19 for the location of play/shade  
16 structures in the exterior and interior side yards and than  
17 less 10 feet from the main building. By the code accessory  
18 structure must be located in the rear yard and must be  
19 located greater than 10 feet from the main building.

20           Section 5.11 for the location of a fence in the  
21 exterior side yard. By code no fence shall extend into  
22 front or exterior side yard. The proposed plan has a fence  
23 around the outdoor recreation area in the exterior side yard

1 on the east side.

2 City of Novi Code of Ordinance Section 28-5(a) for  
3 a second ground sign. One ground sign allowed by code.

4 Section 28-6 for an overtime, oversize temporary  
5 ground sign. This property is zoned Office Service  
6 Technology (OST).

7 Okay. Thank you.

8 Okay. Please state your name for the recorder for  
9 the record.

10 MR. POLLARD: Yes, good evening. My name is Jim  
11 Pollard. I'm with Professional Engineering Associates. My  
12 address is 2430 Rochester Court, Suite 100, Troy, Michigan  
13 48083. I'm here on behalf of the applicant, the Campbell  
14 Group, LLC.

15 CHAIRPERSON PEDDIBOYINA: Are you an attorney?

16 MR. POLLARD: I am not. I'm an engineer.

17 MEMBER KRIEGER: Do you swear or affirm to tell  
18 the truth in this case?

19 MR. POLLARD: I do.

20 CHAIRPERSON PEDDIBOYINA: Please go ahead.

21 MR. POLLARD: So we have quite a few items in  
22 front of you this evening requesting a variance.

23 The subject property is approximately 2 acres.

1 It's zone OST. It's located on the south side of Thirteen  
2 Mile Road on the west side of Cabot Drive.

3 There is an ITC overhead power line adjacent to  
4 the site to the west. There's an existing stormwater  
5 detention system here, and underneath all that power line  
6 and extending to the west is a regulated wetland. So the  
7 site has obviously some geometrical configuration  
8 challenges. What we are proposing is a 10,000 square foot  
9 single story child care facility, the Goddard School. There  
10 is one currently in Novi. They are already a branded  
11 product.

12 I notice in the application that I received online  
13 some of the documentation in the back is inconsistent. It  
14 seems like a repeat of everything, and then the notation in  
15 front I think you received in your packet. What I'd like to  
16 do is go through if you would indulge me through the  
17 application, this portion which lists the 1 through 10  
18 items.

19 Put this in the right configuration, north being  
20 up. Thirteen Mile Road and Cabot Drive and then the ITC  
21 corridor.

22 The first variance that we are seeking is for the  
23 outdoor recreational area. The City's ordinance requires

1 150 square feet per student. We are requesting a reduction  
2 in variance. Typically Goddard's requirements are  
3 120 square feet per student. So we request a variance down  
4 to 19,333 square feet for that.

5 The next variance that we're requesting is to omit  
6 the loading zone. For a dwelling like this, child care, we  
7 really don't need a dedicated loading area, so we would  
8 request a variance for that. Deliveries are made by small  
9 vehicles and there's ample parking on site to accommodate  
10 deliveries.

11 The next variance we're requesting is for the  
12 dumpster. Obviously we have a frontage on Thirteen Mile  
13 Road, we have frontage on Cabot Drive. The dumpster is  
14 located in this area. We pushed it back as far as we can to  
15 the west property line but we're still within the front yard  
16 of the building so we are asking for a variance for that.

17 The next one is the two accessory structures.  
18 Typically in the ordinance accessory structures are detached  
19 garages or sheds. In this instance these are play  
20 structures for the children. There are two of them on site.  
21 One is located in this area on the east side of the  
22 building, the other is on the west side of the building.  
23 These are child play facilities for them.

1           The next variance that we're requesting is to  
2 allow for the building -- for these structures to be placed  
3 10 feet from the building, less than 10 feet from the  
4 building.

5           The one, next variance Number 6 is to allow for a  
6 percentage of play area in the side yard setback, from our  
7 graphic. The City's zoning ordinance allows for 25 feet.  
8 Again, this is the building. These are -- the black lines  
9 are denoting the side yards and the play areas, which  
10 hatched in this area and this dark area are the play areas,  
11 and we exceed that. We're at 63 percent, approximately  
12 63.78 percent if we take these shaded areas. So we're  
13 asking for a variance for that.

14           Obviously it's a child facility, and safety to  
15 children are important. The areas are fenced. The fence  
16 extends essentially around the periphery of the site from  
17 here all the way around in that area. So we are requesting  
18 to be allowed to install a fence within the front yard, and  
19 are on site.

20           The reduction in required parking. The zoning  
21 ordinance has two requirements for parking for a facility  
22 like this. Number 1, it's based on its useful square  
23 footage. Using the usable square foot we have to have 21

1 parking spaces. In addition, to that they require parking  
2 for a number of employees. In this facility we have 20, so  
3 we have 41 parking spaces. But the interesting thing you're  
4 somewhat double-dipping because you have employees that are  
5 in the usable space so we're asking for a variance of just  
6 one parking space.

7 Signage. For the building we are proposing and  
8 requesting a variance. We do have a ground sign here. We  
9 are requesting in the next variance an additional ground  
10 sign in this location on Thirteen Mile Road, and then on the  
11 building, on this face of the building, we are requesting a  
12 signage on the building as well.

13 Again, the site has some unique characteristics,  
14 double frontages, the narrowness of the site. It does have  
15 some topography to it. We are going to build a retaining  
16 wall to keep the child area intact. There's wetlands that  
17 we're not going to impact.

18 So we've got some physical challenges with the  
19 site and we think we've done the best we can, and in looking  
20 at this I think any development that would come forward  
21 would have to have some sort of variances granted for its  
22 development.

23 Again, we're specific use and some of the stuff

1 we're asking for relate to the outside recreational area,  
2 the accessory structures, things like that are related to  
3 our use and certainly wouldn't be related to another project  
4 but certainly for what we're doing.

5 So if you have any questions I'm certainly willing  
6 to answer them. I have the representative of the owners,  
7 the contractor and Goddard School if you have any questions  
8 specifically related to that.

9 Thank you.

10 CHAIRPERSON PEDDIBOYINA: Thank you.

11 Okay. Anyone in the audience on this case,  
12 please.

13 Seeing none.

14 Okay. From the City?

15 MR. BUTLER: The only comment I would make from  
16 the City is just be aware that this site plan was ran  
17 through Planning, and Planning, they did all of the -- I was  
18 actually out for surgery at the time, so I did not endeavor  
19 in this, but this did go through Planning and our staff for  
20 everything that he outlined what he needed to speak towards.

21 CHAIRPERSON PEDDIBOYINA: Thank you.

22 Madam Corresponding Secretary.

23 MEMBER KRIEGER: In Case Number PZ19-0036, the

1 Goddard School, 11 letters were sent, letters returned zero,  
2 approvals 1, objections zero. Approval is from Matthew  
3 Sosin, S-O-S-I-N: President, Dear Members of the Zoning  
4 Board of Appeals, Northern Equities Group has developed  
5 Haggerty Corridor Corporation Park and owner of many of the  
6 buildings located nearby the proposed Goddard School  
7 development is in full support of this development. We are  
8 excited to bring this amenity into our professional business  
9 park. Many of our existing tenants have requested having  
10 such a use in the park. We're excited to have Goddard  
11 School providing this much needed amenity and hope that the  
12 Zoning Board of Appeals approves their application.

13 That's it.

14 CHAIRPERSON PEDDIBOYINA: Thank you.

15 When I drove -- when I came recently I drove your  
16 property I saw that and you showed the presentation. So I  
17 was impressed on that and I have no questions. I wish you  
18 good luck. And Board people, they can speak up. Anybody on  
19 the Board?

20 Dave, go ahead.

21 MEMBER BYRWA: Yeah. I had a question more for  
22 Larry here. In the beginning when he started speaking he  
23 mentioned a reduction in the square footage per pupil from



1 150 to 120. Is that a Novi ordinance or is that a state  
2 law?

3 MR. BUTLER: That is the Novi that he is -- for  
4 our school district.

5 MEMBER BYRWA: Novi set that square footage.  
6 Because I know the state sets square footages on that, too.  
7 And if it was the state he should be applying to the state  
8 for a variance.

9 MR. BUTLER: No, he's referring to the Novi one.

10 MEMBER BYRWA: Okay. Thank you.

11 CHAIRPERSON PEDDIBOYINA: Okay. Thank.

12 Mr. Sanghvi, please go ahead.

13 MEMBER SANGHVI: Thank you.

14 Is this going to be a second campus? Are you  
15 going to close the first one on Grand River?

16 MR. POLLARD: I'm sorry?

17 MEMBER SANGHVI: You have already one campus --

18 MR. POLLARD: Correct.

19 MEMBER SANGHVI: -- on Grand River. So is this  
20 going to be a second campus?

21 MR. POLLARD: It will be a second campus, yes.

22 MEMBER SANGHVI: Two campuses you're going to have  
23 in Novi?

1 MR. POLLARD: Correct.

2 MEMBER SANGHVI: Okay. Now, will you please show  
3 me where is the detention basin you were talking about --

4 MR. POLLARD: Sure.

5 MEMBER SANGHVI: -- as compared to where you are  
6 putting the building.

7 MR. POLLARD: Here is the building.

8 MEMBER SANGHVI: Yes.

9 MR. POLLARD: Here is the outside play area. Here  
10 is the stormwater retention basin.

11 MEMBER SANGHVI: So you're going to be fenced out  
12 completely --

13 MR. POLLARD: Yeah.

14 MEMBER SANGHVI: -- from the detention basin?

15 MR. POLLARD: Because of the topography -- see  
16 this heavy dark line? That's a retaining wall.

17 MEMBER SANGHVI: Yeah.

18 MR. POLLARD: A couple feet high and on top of  
19 that.

20 MEMBER SANGHVI: The orientation of the building  
21 you are showing on one of your diagram?

22 MR. POLLARD: Yes.

23 MEMBER SANGHVI: Is going to be east side, the

1 main building is facing the east side?

2 MR. POLLARD: The main building, let me grab the  
3 elevation of the building.

4 All right. So what you see, this elevation is the  
5 south.

6 MEMBER SANGHVI: It is the south elevation?

7 MR. POLLARD: So that's the entry into the  
8 building. Okay? This is the -- that faces Thirteen Mile  
9 Road.

10 MEMBER SANGHVI: That's north, yes.

11 MR. POLLARD: Yeah, that's the north face of the  
12 building.

13 MEMBER SANGHVI: I'm just trying to figure out  
14 what is going to be facing the M-5. Because you're not too  
15 far from M-5.

16 MR. POLLARD: What will be facing M-5 would be  
17 this.

18 MEMBER SANGHVI: So there is no access for  
19 children to go back on the west side?

20 MR. POLLARD: No. I mean, there's an area, an  
21 outside area for them. There's a structure out there.

22 MEMBER SANGHVI: Because my main concern is the  
23 safety of the children.

1 MR. POLLARD: Absolutely, 100 percent.

2 MEMBER SANGHVI: And I want to make sure that they  
3 are safe from the detention basin. I don't want the  
4 children go and drown into water there. Because you are  
5 going to have very young children there; right?

6 MR. POLLARD: That is correct.

7 MEMBER SANGHVI: Do you know what the age group  
8 going to be?

9 MR. POLLARD: Brian.

10 MR. JOHNSTON: Good evening, I'm Brian Johnston  
11 with Goddard Systems, 1016 W. 9th Avenue, King of Prussia.  
12 The age groups --

13 MEMBER KRIEGER: Do I have to swear him in? I  
14 think --

15 MR. POLLARD: You have to be sworn in.

16 MEMBER KRIEGER: Do you swear or affirm to tell  
17 the truth in this case?

18 MR. JOHNSTON: I do.

19 MEMBER KRIEGER: Thank you.

20 And then could you -- I'm sorry, could you spell  
21 your name for the court recorder.

22 MR. JOHNSTON: Sure, Brian, B-R-I-A-N, Johnston,  
23 J-O-H-N-S-T-O-N.

1 MEMBER KRIEGER: Thank you.

2 MR. JOHNSTON: The school serves age groups 6  
3 weeks to 6 years and the playgrounds are divided age  
4 specifically, so the playground on the east -- on the west  
5 side, I mean, sorry, is for the infant and toddler age group  
6 which would be up to 24 months. And the -- I'm sorry,  
7 36 months. And the playground on the Cabot Drive side which  
8 would be the east side will serve from 3 years to 5 years,  
9 36 to 60 months.

10 MEMBER SANGHVI: So what do you think is going to  
11 be estimated number of students in this campus?

12 MR. JOHNSTON: The estimated capacity is 144.  
13 However, with our rotations, there will never be more than  
14 40 students out at one time.

15 The maximum number on the west side would be 16  
16 due to student-to-teacher ratios. The maximum on the east  
17 side would be 24. I believe they're -- depending on various  
18 scheduling will be up to the franchisees to determine if we  
19 have rotations, 3 or 4 rotations per day. So the max at any  
20 one time total would be 40 students out there at one time.

21 MEMBER SANGHVI: Because I notice somewhere in  
22 your application that you have one or two classes outside  
23 for recreation outdoors at the same time. So how large are

1 your classes?

2 MR. JOHNSTON: I'm sorry, how loud?

3 MEMBER SANGHVI: What is the size of your --

4 MR. JOHNSTON: 16 or 24, depending on the age  
5 group. The maximum would be 24 and that would be for the 3-  
6 to 5-year class.

7 So, again, on the east side the maximum number out  
8 at any one time would be 24. On the west side the maximum  
9 number out at any one time would be 16.

10 MEMBER SANGHVI: So you have about 80 kids  
11 together?

12 MR. JOHNSTON: 40.

13 MEMBER SANGHVI: 40.

14 MR. JOHNSTON: Correct. One classroom per  
15 playground at a time.

16 MEMBER SANGHVI: Yeah. I noticed that. That's  
17 why I'm asking you what the size of your classroom, because  
18 classroom doesn't tell me how many kids will be out there.

19 MR. JOHNSTON: Right.

20 MEMBER SANGHVI: Thank you.

21 CHAIRPERSON PEDDIBOYINA: Thank you. Anyone on  
22 the Board?

23 MEMBER KRIEGER: Could you tell me what the

1 fencing is like? Would it be different for the toddlers  
2 versus the infants?

3 MR. JOHNSTON: So the fencing will be standard for  
4 both. It is a 6-foot tall steel picketed fence. The  
5 pickets will have a minimum spacing between them 3 5/8  
6 inches which is typical for that sort of safety.

7 We prefer -- as a system we prefer to have a  
8 see-through fence, a picketed fence so the teachers may be  
9 proactive to see if anything is happening outside the fence  
10 rather than having something that's totally opaque.

11 And, I'm sorry, the fencing would be 6-foot tall  
12 for the perimeter and then any fencing that would be  
13 separating within that would be 4-foot tall. Gates would be  
14 self-closing, have panic bar and delayed egress hardware on  
15 the perimeter and/or just self-closing and lockable on the  
16 interior.

17 MEMBER KRIEGER: Thank you.

18 CHAIRPERSON PEDDIBOYINA: Thank you. Linda?  
19 Anyone on the Board?

20 Yeah, go ahead, please.

21 MEMBER SANKER: And thanks for going through these  
22 one by one. That will clarify a lot. There's a couple  
23 things I need a little more clarification on.

1           For the first one are you requesting the  
2 120-square foot per child, is that the variance that you're  
3 requesting? And I think you said that that's what the  
4 policy is to have or is that what you're --

5           MR. JOHNSTON: State licensing is typically  
6 75 square feet per child and that would be per child using  
7 the space at any one given time. So if you do the math,  
8 it's a tremendous reduction in what we're even providing  
9 here. We're attempting to meet somewhere in the middle from  
10 what the state requirements are as to what the Novi  
11 requirements are. We're actually getting a lot closer to  
12 what the Novi requirements are.

13           MR. POLLARD: So it's not a direct math. It's  
14 just the area that's available is what we're asking for.

15           MEMBER SANKER: And what is that area?

16           MR. POLLARD: 19,033.

17           MEMBER SANKER: Okay. All right. For the Number  
18 5 you had -- you're asking about a play/shade structure less  
19 than 10 feet from a building?

20           MR. POLLARD: Correct.

21           MEMBER SANKER: How much less are you looking for?

22           MR. POLLARD: Six feet.

23           MEMBER SANKER: Six feet?



1 MR. POLLARD: Six feet. So the request is to  
2 reduce it down to 6 feet from 10.

3 MEMBER SANKER: Okay. Perfect. Thanks.

4 Okay. The last one is Number 6, the percentage of  
5 play area. I wasn't following what you were saying there.

6 MR. POLLARD: Okay.

7 MEMBER SANKER: So could you just explain --

8 MR. POLLARD: Not a problem. I'll bring up the  
9 graphic one more time.

10 So the ordinance allows us to have up to 25.  
11 We're asking for a variance for that shaded area and these  
12 two shaded areas combined and what that becomes is, if my  
13 math is correct, 67.87 percent versus 25.

14 MEMBER SANKER: Okay. I'm sorry. Can you just  
15 explain one more time for us.

16 MR. POLLARD: Okay.

17 MEMBER SANKER: You're combining the two?

18 MR. POLLARD: We're combining the two for the  
19 areas. So we're allowed 25 percent. So we're taking, if  
20 you sum this and this versus the total of these it's 63.87.

21 MEMBER SANKER: Okay. Thank you.

22 CHAIRPERSON PEDDIBOYINA: Thank you, Kevin.

23 Anyone on the Board?

1           Okay.

2           Okay. Linda.

3           MR. JOHNSTON: Could I add something to that.

4           Part of the reason why we're asking for the variance for the  
5           67 and change percent is partially to get as close as we can  
6           to the 150 square feet per child, so it's kind of a  
7           balancing act there if it helps clarify.

8           CHAIRPERSON PEDDIBOYINA: Thank you. Okay.

9           Linda, do you want to make the motion. Thank you.

10          MEMBER KRIEGER: In the Case Number PZ19-0036 The  
11          Goddard School at 39659 Thirteen Mile Road for parcel  
12          50-22-12-200-050, I move that we grant the request for the  
13          petitioner, shown a practical difficulty for their site.  
14          The topography, the need for the bordering, bordering  
15          neighbors, the M-5 so move to accept the 19,033 square feet  
16          of outdoor recreation area to be to the -- near to the state  
17          requirement of 150 but also being in the 120 Novi  
18          requirement. The area occupying 63.87 percent of the  
19          exterior side yard proposed recreation area as well for the  
20          same reasons, for the state requirements for kids to play  
21          in.

22                 The 25 between the building and property allowed  
23          by code Section 5.4.3 for the absence of a loading zone,

1 this is for the request for a play area, not for loading  
2 materials.

3 Section 5.2 for the deficiency of parking spaces  
4 they proposed an extra one space. Accepting that.

5 Proposed dumpster in the -- located in the front  
6 side yard. Dumpsters are required to be located in the rear  
7 yard.

8 The location has many -- has two frontages or  
9 potentially three for the M-5. Section 4.19 for the  
10 location of play/shade structures in the exterior and  
11 interior side yards so that they're close -- less than 10  
12 feet from the main building closer for little toddlers to  
13 get in and out of. By code accessory structures it's a play  
14 area so it's different located in the rear yard and must be  
15 -- okay.

16 Section .11 for location of a fence in the  
17 exterior side yard. By code no fence shall extend. This is  
18 for the safety of toddlers and infants in playing, and as  
19 explained and gone through the Planning Department -- the  
20 Planning Commission and what they explained for the fencing  
21 for the kind of fencing that they will be using for the  
22 protection of children.

23 The proposed plan has Section 25.5(a) for a second

1 ground sign, the ground sign location being at the  
2 intersection at Thirteen Mile and Cabot Drive.

3 And without the variance petitioner will be  
4 unreasonably prevented or limited with respect to the use of  
5 the property because it's for children. The property is  
6 unique because of its topography, water retention basin and  
7 power ITC corridor. The petitioner did not create the  
8 condition because of its as stated location and use for  
9 children.

10 The relief granted will not unreasonably interfere  
11 with adjacent or surrounding properties because it will not  
12 be a -- it will be an increased value for the -- potentially  
13 for the work areas for parents dropping off their children  
14 and having a place closer by where their children are at.  
15 The relief is consistent with the spirit and intent of the  
16 ordinance because it is the minimum and reasonable request.

17 MEMBER SANGHVI: Second.

18 CHAIRPERSON PEDDIBOYINA: Thank you.

19 Second. Can we hear a motion.

20 MR. POLLARD: Mr. Chairman, there was a request  
21 for a wall sign. I don't think you brought that up in  
22 your --

23 MEMBER KRIEGER: Wasn't that part -- you have one

1 by right and then you were asking for --

2 MS. OPPERMAN: You were only requesting one to my  
3 knowledge which you're already permitted by right.

4 MR. POLLARD: The wall sign.

5 MS. OPPERMAN: Yes.

6 MR. POLLARD: Okay. Thank you. Fabulous.

7 CHAIRPERSON PEDDIBOYINA: Okay. The motion is  
8 seconded. Do we have a motion? Any other discussions.  
9 Hearing none, all in favor?

10 MEMBER KRIEGER: Call the roll.

11 CHAIRPERSON PEDDIBOYINA: Kathryn, please call for  
12 the roll.

13 MS. OPPERMAN: Member Byrwa?

14 MEMBER BYRWA: Yes.

15 MS. OPPERMAN: Chairperson Peddiboyina?

16 CHAIRPERSON PEDDIBOYINA: Yes, please.

17 MS. OPPERMAN: Member Krieger?

18 MEMBER KRIEGER: Yes.

19 MS. OPPERMAN: Member Longo?

20 MEMBER LONGO: Yes.

21 MS. OPPERMAN: Member Sanghvi?

22 MEMBER SANGHVI: Yes.

23 MS. OPPERMAN: Member Sanker.

1 MEMBER SANKER: Yes.

2 MS. OPPERMAN: Member Montague.

3 MEMBER MONTAGUE: Yes.

4 MEMBER KRIEGER: Congratulations.

5 MR. POLLARD: Thank you.

6 CHAIRPERSON PEDDIBOYINA: Thank you.

7 And Case Number 3, PZ19-0037. It's Signarama --  
8 S-I-G-N-A-R-A-M-A -- Troy, 41000 Bridge Street, east of  
9 Meadowbrook Road and north of Eleven Mile Road, Parcel  
10 Number 50-22-13-352-003.

11 The applicant is requesting a variance from the  
12 City of Novi Code of Ordinance Section 28-6 for a proposed  
13 oversized 48 square foot temporary real estate sign. Sign  
14 is 5 feet over height and use beyond the 64-day limit  
15 allowed by code. This property is zoned light industrial  
16 (1-1).

17 Okay. Please state your name for our court  
18 recorder.

19 MS. DAMICO: Hello. My name is Marissa Damico.  
20 I'm here for C. Barry and I work for Signarama.

21 CHAIRPERSON PEDDIBOYINA: Are you an attorney?

22 MS. DAMICO: I'm sorry?

23 CHAIRPERSON PEDDIBOYINA: Are you an attorney?

1 MR. SANKER: Are you an attorney?

2 MS. DAMICO: No.

3 CHAIRPERSON PEDDIBOYINA: Please raise your hand  
4 for my secretary.

5 MEMBER KRIEGER: Do you swear or affirm to tell  
6 the truth in this case?

7 MS. DAMICO: I do.

8 MS. OPPERMAN: Could you please spell your name  
9 for our record.

10 MS. DAMICO: Yeah. It's Marissa, M-A-R-I-S-S-A,  
11 Damico, D-A-M-I-C-O.

12 CHAIRPERSON PEDDIBOYINA: Thank you. Please go  
13 ahead.

14 MS. DAMICO: Our client C. Barry is looking to  
15 have a larger than approved real estate sign installed. The  
16 location is 41000 Bridge Street in Novi. The location is  
17 off of the freeway 275, so a 4 foot x 4 foot sign is  
18 difficult to read as you're driving by, so they're looking  
19 to have a larger sign to achieve maximum visibility for  
20 potential buyers.

21 The sign is being placed in an open area so there  
22 is not any other signage or building that is on a vacant lot  
23 that is available for sale or lease. So the site is here,

1 so there's not any existing signage anywhere near the sign,  
2 so they're just looking to have that maximum visibility.

3 CHAIRPERSON PEDDIBOYINA: Okay. You want to say  
4 any other things? Do you want to say anything?

5 MS. DAMICO: No.

6 CHAIRPERSON PEDDIBOYINA: Okay. Anyone in the  
7 audience, please.

8 Okay. Seeing none.

9 From the City. Mr. Butler?

10 MR. BUTLER: No comments.

11 CHAIRPERSON PEDDIBOYINA: No comments. Thank you.  
12 Corresponding Secretary.

13 MEMBER KRIEGER: Thank you.

14 Case Number PZ19-0037 Signarama - Troy for 41000  
15 Bridge Street. 15 letters were sent, zero returned, zero  
16 approvals, zero objections. That's it.

17 CHAIRPERSON PEDDIBOYINA: Thank you.

18 Okay. And anyone on the Board can speak.

19 MR. SANKER: I just have a question.

20 CHAIRPERSON PEDDIBOYINA: Okay. Go ahead.

21 MEMBER SANKER: How long do you need the variance  
22 for?

23 MS. DAMICO: So they would be looking to keep the



1 sign up for the length of when the property is for sale. If  
2 there was a standard that you guys wanted us to follow we  
3 could definitely let the client know.

4 MEMBER SANKER: Okay. Do we have a standard?  
5 Two years or one?

6 MEMBER KRIEGER: We can do one.

7 CHAIRMAN PEDDIBOYINA: Yeah, we could do that.

8 MEMBER SANGHVI: We could do one year or whatever  
9 comes first.

10 CHAIRPERSON PEDDIBOYINA: Anyone on the Board,  
11 please?

12 Okay. Seeing none. Okay. Make a motion.

13 MEMBER SANKER: Sure.

14 I move that we grant the variance in Case Number  
15 PZ19-0037 signed by petitioner for an increased sign size  
16 and a term for beyond the 64-day limit because petitioner  
17 showed a practical difficulty requiring the variance.  
18 Without the variance the petitioner will be unreasonably  
19 prevented or limited with respect to use of the property  
20 because the sign will not be visible to the public from  
21 public roads. The property is unique because it is  
22 difficult -- the sign would be difficult to be seen from the  
23 highway. The petitioner did not create the condition

1 because it is using the property for marketing purposes.  
2 The relief granted will not unreasonably interfere with  
3 adjacent or surrounding properties because the sign does not  
4 obstruct views from or to surrounding properties, and the  
5 relief is consistent with the spirit and intent of the  
6 ordinance because it will create more awareness to the  
7 property that it is for sale or lease. And I guess the  
8 variance is subject to a 1-year term.

9 MEMBER SANGHVI: Or the sale, whatever comes  
10 first.

11 MEMBER SANKER: Or the sale or lease of the  
12 property.

13 MS. DAMICO: Yeah.

14 MEMBER SANGHVI: Thank you.

15 MEMBER KRIEGER: Second.

16 CHAIRPERSON PEDDIBOYINA: Okay. Thank you. We  
17 have a motion. Okay. And any -- seeing none, Kathryn,  
18 please call for the roll.

19 MS. OPPERMAN: Member Montague.

20 MEMBER MONTAGUE: Yes.

21 MS. OPPERMAN: Member Sanker.

22 MEMBER SANKER: Yes.

23 MS. OPPERMAN: Member Sanghvi.

1 MEMBER SANGHVI: Yes.

2 MS. OPPERMAN: Member Longo.

3 MEMBER LONGO: Yes.

4 MS. OPPERMAN: Member Krieger.

5 MEMBER KRIEGER: Yes.

6 CHAIRPERSON PEDDIBOYINA: Chairperson Peddiboyina.

7 MEMBER BYRWA: Yes, please.

8 MS. OPPERMAN: Member Byrwa.

9 MEMBER BYRWA: Yes.

10 MS. OPPERMAN: Motion passes.

11 MS. DAMICO: Thank you.

12 CHAIRPERSON PEDDIBOYINA: Thank you and  
13 congratulations.

14 Okay. Case Number 4, PZ19-0038, ID Associates  
15 Incorporation, 44075 Twelve Mile Road west of Novi Road and  
16 south of Twelve Mile Road, Parcel Number 50-22-15-200-112.

17 The applicant is requesting variance from the City  
18 of Novi Code of Ordinance Section 28-5(a) and 28-5(b) for  
19 multiple oversized signs, one sign allowed per code. This  
20 property is zoned Regional Center (RC). Okay.

21 Please spell your name.

22 MEMBER SANGHVI: May I be excused for 5 minutes?

23 MEMBER KRIEGER: You want a recess?

1 CHAIRPERSON PEDDIBOYINA: Please go ahead. You  
2 want to wait or --

3 MEMBER KRIEGER: 5-minute recess. So we'll meet  
4 back in what, 8:15?

5 CHAIRPERSON PEDDIBOYINA: 12.

6 MEMBER KRIEGER: Okay.

7 (A short recess was taken).

8 CHAIRPERSON PEDDIBOYINA: Thank you. Please go  
9 ahead. Thank you for your patience.

10 MEMBER KRIEGER: Are you an attorney?

11 MR. POTTS: I am not an attorney.

12 MEMBER KRIEGER: Do you swear or affirm to tell  
13 the truth in this case?

14 MR. POTTS: I do.

15 MEMBER KRIEGER: If you could spell your name for  
16 our court recorder.

17 MR. POTTS: Certainly.

18 MEMBER KRIEGER: Thank you.

19 MR. POTTS: G-A-R-R-Y, P-O-T-T-S, Garry Potts.

20 My offices are at 58171 Dragon Fly Court in  
21 Osceola, Indiana. I'm here tonight representing Spiegel  
22 Properties, the property owner, ID Associates, the sign  
23 vendor, and Floor & Decor who is the proposed tenant for the

1 property.

2 We are seeking multiple variances for external  
3 signage of which I will go through maybe one by one.

4 The main ID is the Floor & Decor Tile, Wood and  
5 Stone Sign. The sign has a 5-foot letter set for each  
6 letter, so the floor is 5 feet tall, the decor is 5 feet  
7 tall and the tile, wood, and stone is 2 foot  
8 four-and-a-quarter which gives it a total square footage  
9 516.66 square feet right down here.

10 We also are asking for additional signage here,  
11 their floor and decor which is their slogan which is about  
12 48 square feet, so for that facade we're about 564 square  
13 feet on that facade.

14 The sign B is another Floor & Decor sign. The  
15 square footage on that is 403 square feet. Again, a 5-foot  
16 letter set, same would match the sign on the other  
17 elevation, would not have the tile, wood, stone illuminated  
18 channel letters on that.

19 And then the customer pickup sign which is more of  
20 an ancillary sign just gives way of finding for the  
21 customers to come. It's about 13 square feet.

22 On the rear elevation we have another Floor &  
23 Decor sign, 327 square feet, it's 4 foot 6 inch letter.

1 Those are internally illuminated channel letters with the  
2 logo and that is 327 square feet.

3 And then, lastly, is the Floor & Decor over the  
4 west facade which is a 3-foot letter to stacked letter set  
5 so, again, you're actually a little over 6 feet, 6'4" for  
6 the total height, and the logo itself is 6-foot 4 by 6-foot  
7 4 square, so it's 145.19 square feet.

8 As far as the circumstances and conditions we're  
9 asking for the signs because of the setback. We're about  
10 950 linear feet from I-96. We have foliage between the  
11 property and the interstate and lining the perimeter of the  
12 parking area. The visibility for the Floor & Decor wall  
13 sign is negatively impacted by both setback and foliage.

14 The scale of the building, the lot frontage it  
15 would be -- the footprint of the building is 85,000 square  
16 feet, approximately. Two elevations are in excess of 400  
17 linear feet and two elevations are in excess of 240 linear  
18 feet, so the proposed signage is well within the scale of  
19 the building.

20 Item E, it's not self-created. Based on the  
21 setback from the main roadway, foliage between the building  
22 and the roadway and the overall size of the building the  
23 proposed signage is necessary for optimal visibility and way

1 finding for the potential customers. The magnitude of the  
2 building may enhance proportionate signage requiring  
3 proposed to exceed allowance.

4 I'm happy to answer any questions that you have or  
5 if you want to open the subject.

6 CHAIRPERSON PEDDIBOYINA: Okay. Thank you.

7 Anyone in the audience want to speak about this  
8 case?

9 Seeing none. From the City.

10 MR. BUTLER: No comments from the City.

11 CHAIRPERSON PEDDIBOYINA: Thank you.

12 Okay. Corresponding Secretary.

13 MEMBER KRIEGER: For PZ19-0038, 40 letters were  
14 sent, three returns, zero approval, zero objections. That's  
15 it.

16 CHAIRPERSON PEDDIBOYINA: Okay. Anyone on the  
17 Board?

18 MS. OPPERMAN: Pardon me, sir. I don't believe  
19 you spelled your name for our court reporter.

20 MR. POTTS: I did.

21 MS. OPPERMAN: You did? My apologies.

22 MR. POTTS: No problem.

23 CHAIRPERSON PEDDIBOYINA: Thank you.

1 MR. POTTS: I can do it again if you need to.

2 MS. OPPERMAN: No. That's okay.

3 CHAIRPERSON PEDDIBOYINA: Okay. Anyone else on  
4 the Board, please?

5 Okay.

6 MEMBER KRIEGER: The request you had, there were  
7 in there about nine -- is it total of nine signs? So is  
8 this going to be the anchor company or business for the site  
9 that you have the directional signs and then allow the other  
10 smaller businesses to put their names on the directional  
11 signs? That's what it seems to look like from page 6 for E,  
12 F and G.

13 MR. POTTS: Bear with me.

14 MEMBER KRIEGER: Okay. The only other thing is I  
15 couldn't miss that sign. I drove across the bridge. I had  
16 a 3-D effect from Powerhouse, the -- what was the third one?  
17 Oh, yeah. When I was on Novi Road the -- what's the  
18 furniture store? Gardner White and then that third one just  
19 jumps at you from the back.

20 So, I wanted to ask, too, is the Floor & Decor is  
21 that going to be just the lettering or is it going to have  
22 that background, the white background as well?

23 MR. POTTS: Which sign -- I'm sorry, which sign



1 are you speaking about?

2 MEMBER KRIEGER: The E, F, G, for the -- I guess  
3 there's going to be directional -- they're asking for  
4 directional signs in here. So you have the building -- the  
5 building signs which I don't remember if those were from  
6 previous grantings or came with when Sears had that for  
7 the --

8 MR. BUTLER: They should have all been removed.  
9 There signs are --

10 MEMBER KRIEGER: Right. They're, what do you call  
11 them, mock-up signs are up?

12 MR. BUTLER: Yeah, those are mock-up.

13 MEMBER KRIEGER: But the previous one is Sears, so  
14 it only goes with the business or can they have --

15 MR. BUTLER: Goes with the business.

16 MEMBER KRIEGER: The signs, the four facing signs?  
17 They have east, west, north and south signage.

18 MS. OPPERMAN: Previous variances would stay with  
19 the property per Maureen Underhill what they're requesting  
20 exceeds previous variances.

21 MEMBER KRIEGER: I mean, it's proportional with  
22 the building but the mock-up sign with the white on it makes  
23 it look bigger.

1 MR. POTTS: Oh, the banner?

2 MEMBER KRIEGER: Yes.

3 MR. POTTS: It will not, no. These are just --

4 MEMBER KRIEGER: So Floor & Decor, the lettering  
5 will be on the building, and the and is the only, I don't  
6 know, connects the two words.

7 MR. POTTS: Correct.

8 MEMBER KRIEGER: Okay.

9 MR. POTTS: Yeah, there will not be a backer panel  
10 if that's what you're asking, like a white backer panel or  
11 anything to offset it.

12 MEMBER KRIEGER: Right.

13 MR. POTTS: No, it will match the existing facade  
14 of the building.

15 MEMBER KRIEGER: And then when I was reading the  
16 package it said direct -- multiple directional signs, and I  
17 didn't notice the number requested, but then I counted out  
18 nine, so then I saw this for the -- our page 6, I don't know  
19 if you have it or not, but after D there is E, F, G and they  
20 look like directional signs for ground signs for roads where  
21 the customer is driving through. But I also see the need --

22 MR. POTTS: I do have -- I do have that on the  
23 proposal. However, it's not on my copy in the color set.

1 MEMBER KRIEGER: Okay. So the request for them,  
2 they would be the main sign for direction and then add on  
3 the other businesses I guess is my main question.

4 MR. POTTS: Correct, it would have a panel in that  
5 multi-tenant sign. Those signs should already be there, is  
6 the way I understand it.

7 MEMBER KRIEGER: I don't remember seeing those  
8 directional signs when I was driving through.

9 MR. POTTS: Yes. So like on page 6 -- and my copy  
10 is really bad.

11 MEMBER KRIEGER: Yeah.

12 MR. POTTS: Where it says F, there's an existing  
13 directional and existing directional.

14 MEMBER KRIEGER: Yeah.

15 MR. POTTS: So they're just putting new panels in  
16 there. What said Sears now they're going to say Floor &  
17 Decor.

18 MEMBER KRIEGER: I guess it's because I know where  
19 I'm going. I just don't know the businesses.

20 I can see the need. I wasn't too sure about the  
21 size except for the, I was thinking maybe the size of the  
22 panel with the white on it was distracting me from size for  
23 the request and that the need for it is there since there's

1 the competition between online shopping and coming to a  
2 place and shopping. So I do see the need, and then for  
3 signage as far as you can see, it grabs your attention right  
4 away when you're out there driving. So at night it will be  
5 lit up as well?

6 MR. POTTS: It is internally illuminated, correct.

7 CHAIRPERSON PEDDIBOYINA: Thank you. Anyone else  
8 on the Board, please?

9 Okay. Motion time. David.

10 MEMBER BYRWA: Yeah. I'd like to make a motion to  
11 grant the variance for multiple signage requested by the  
12 petitioner on Case Number PZ19-0038.

13 The property is unique because of the size and the  
14 area where it's located. Petitioner did not create the  
15 condition. The relief granted by the variance would not  
16 unreasonably interfere with adjacent or surrounding  
17 properties. The relief is consistent with the spirit and  
18 intent of the ordinance because of the size, location and  
19 the need for multiple signage on the property.

20 MEMBER SANGHVI: Second.

21 CHAIRPERSON PEDDIBOYINA: Okay. Motion seconded.

22 Any other discussions?

23 Call all in favor.

1 MEMBER KRIEGER: Roll call.  
2 CHAIRPERSON PEDDIBOYINA: Roll call by Kathryn.  
3 MS. OPPERMAN: Member Krieger.  
4 MEMBER KRIEGER: Yes.  
5 MS. OPPERMAN: Member Longo.  
6 MEMBER LONGO: Yes.  
7 MS. OPPERMAN: Member Byrwa.  
8 MEMBER BYRWA: Yes.  
9 MS. OPPERMAN: Chairperson Peddiboyina.  
10 CHAIRPERSON PEDDIBOYINA: Yes, please.  
11 MS. OPPERMAN: Member Sanghvi.  
12 MEMBER SANGHVI: Yes.  
13 MS. OPPERMAN: Member Sanker.  
14 MEMBER SANKER: Yes.  
15 MS. OPPERMAN: Member Montague.  
16 MEMBER MONTAGUE: Yes.  
17 Motion passes.  
18 CHAIRPERSON PEDDIBOYINA: Thank you.  
19 Congratulations.  
20 MEMBER KRIEGER: Are you doing the next one?  
21 MR. POTTS: I am.  
22 CHAIRPERSON PEDDIBOYINA: Case Number PZ19-0039,  
23 ID Associates, Inc. and Scrubs & Beyond, 43530 West Oaks

1 Drive B104, west of Novi Road and South of Twelve Mile Road,  
2 Parcel Number 50-22-15-200-059. The applicant is requesting  
3 a variance from the City of Novi Code of Ordinance  
4 Section 28-5 (b)(1)a for a variance of 16.7 square feet for  
5 a proposed 66.70 square foot wall sign, 50 square feet  
6 allowed by code. This property is zoned Regional Center  
7 (RC.)

8 Okay. Please go ahead and state your name. I  
9 think he already did unless he wants to do it again.

10 MEMBER KRIEGER: Do we have to do it again, repeat  
11 his name and --

12 CHAIRPERSON PEDDIBOYINA: Go ahead and repeat your  
13 name and spell your name for the court recorder and you are  
14 not an attorney.

15 MS. SAARELA: You probably should say it for the  
16 record. I don't think he needs to be sworn in again.

17 MEMBER KRIEGER: Okay.

18 CHAIRPERSON PEDDIBOYINA: Go ahead and spell your  
19 name.

20 MR. POTTS: Garry Potts, G-A-R-R-Y, P-O-T-T-S.

21 CHAIRPERSON PEDDIBOYINA: Okay. Please go ahead  
22 and proceed.

23 MR. POTTS: I'm here today represent owner Ramco

1 West Oaks II, LLC, ID Associates who is the sign vender, and  
2 Scrubs & Beyond. Scrubs & Beyond is seeking a sign for the  
3 property at 45530 West Oaks Drive in Novi. The sign is --  
4 the letters are 2 feet in height, however with the backer  
5 panel behind it it does exceed what is allowed for the  
6 property by 16.7 square feet. We are allowed 50 square feet  
7 and if you include the blue backer we are over slightly. I  
8 hope you can see that. Sorry. Learning technology as we  
9 speak.

10 The extraordinary circumstances or conditions,  
11 this is abutting property, Scrubs & Beyond requests  
12 exception to the wall sign allowance due to the client space  
13 in the back corner of a large L-shaped center, the building  
14 in front on out-parcels and fully adjoining the perimeter of  
15 the center. And this was not self-created. Due to the  
16 tenant space being approximately 1200 feet from Novi Road  
17 and being tucked into the corner of an L-shaped center.  
18 It's also further hindered by out-parcel buildings and  
19 foliage lining the perimeter of the center.

20 That is all that I have at this time.

21 CHAIRPERSON PEDDIBOYINA: Okay. Thank you.

22 Anyone in the audience speak up with this case?

23 Seeing none.

1           Okay. From the City.

2           MR. BUTLER: No comment.

3           CHAIRPERSON PEDDIBOYINA: Okay. Corresponding  
4 Secretary.

5           MEMBER KRIEGER: For Case Number PZ19-0039 for  
6 Scrubs & Beyond, 40 letters were sent, zero returned, zero  
7 approval, zero objections. That's it.

8           CHAIRPERSON PEDDIBOYINA: Thank you.

9           I go over to the property and I see that was  
10 created and I have no objections on that.

11           And now to the Board, anyone can speak on that.

12           MEMBER KRIEGER: My question, the background, the  
13 blue part is going to stay?

14           MR. POTTS: Yes, it will stay in this particular  
15 instance. They did try that sign without a backer and it  
16 just -- it didn't work. Nobody was happy including the  
17 customers for some reason, they said they couldn't decipher  
18 it.

19           CHAIRPERSON PEDDIBOYINA: Okay. Thank you.  
20 Linda.

21           Anyone on the Board, please?

22           Okay. It is the motion time. Linda.

23           MEMBER KRIEGER: All righty. Ready for Case



1 Number PZ-0038, for ID Associates, Inc. for Scrub -- wrong  
2 number, PZ19-0039, ID Associates, Inc. Scrubs & Beyond.  
3 43530 West Oak Drives, B104, west -- Parcel Number  
4 50-22-15-200-059.

5 Applicant is requesting variance from the City of  
6 Novi Code Ordinance Section 28.B(1)a for a variance of 16.7  
7 square feet for a proposed 66.70 square feet wall sign,  
8 square 50 allowed. Property is Regional Center.

9 I move that we grant the request sought by the  
10 petitioner. He's shown a practical difficulty requiring  
11 need for the increase in size for visibility from a  
12 distance. It's difficult, it's not in plain site. It's in  
13 an L-shape. The petitioner will unreasonably be prevented  
14 or limited with respect to use of the property. There is  
15 landscaping, but luckily for Michigan foliage and shopping  
16 time being at the end of the year the leaves will drop and  
17 the signs will just, poof, will appear out of nowhere.

18 And the property is unique because it is an  
19 L-shaped and the store will be in the corner section, so  
20 more difficult to be viewed. The petitioner did not create  
21 the condition because of the design of the building already.  
22 The relief granted will not unreasonably interfere with  
23 adjacent or surrounding properties because it will also

1 increase -- show that there is less vacancies and increase  
2 draw for shoppers. The relief is consistent with the spirit  
3 and intent of the ordinance because it's a minimum request.

4 MEMBER SANGHVI: Second.

5 CHAIRPERSON PEDDIBOYINA: Thank you.

6 Okay. Motion -- we have a motion and seconded  
7 and, please, roll call for the --

8 MS. OPPERMAN: Member Byrwa.

9 MEMBER BYRWA: Yes.

10 MS. OPPERMAN: Chairperson Peddiboyina.

11 CHAIRPERSON PEDDIBOYINA: Yes, please.

12 MS. OPPERMAN: Member Krieger.

13 MEMBER KRIEGER: Yes.

14 MS. OPPERMAN: Member Longo.

15 MEMBER LONGO: Yes.

16 MS. OPPERMAN: Member Sanghvi.

17 MEMBER SANGHVI: Yes.

18 MS. OPPERMAN: Member Sanker.

19 MEMBER SANKER: Yes.

20 MS. OPPERMAN: And Member Montague.

21 MEMBER MONTAGUE: Yes.

22 MS. OPPERMAN: Motion passes.

23 MEMBER KRIEGER: Congratulations. Have a safe

1 trip back home.

2 CHAIRPERSON PEDDIBOYINA: Thank and good luck and  
3 congratulations.

4 And for today, the last case, PZ19-0040, Phillips  
5 Sign and Lighting. Beaumont Urgent Care, 43535 Grand River  
6 Avenue west of Novi Road and south of Grand River Avenue,  
7 Parcel Number 50-22-22-227-029.

8 The applicant is requesting a variance from the  
9 City of Novi Code of Ordinance Section 28-5(a) for a  
10 proposed second wall sign. One sign allowed by code. This  
11 property is zoned Town Center-1 (TC-1).

12 MEMBER KRIEGER: I'm sorry, I have a question for  
13 our lawyer. I work for Ascension which would be a  
14 competitor of Beaumont so should I recuse myself?

15 MS. SAARELA: No, you don't have any financial  
16 interest.

17 MEMBER KRIEGER: Okay, good.

18 CHAIRPERSON PEDDIBOYINA: Okay. Thank you.

19 Please spell your name first and last name for the  
20 court recorder.

21 MR. BRETZ: My name is Steven Bretz, S-T-E-V-E-N,  
22 last name Bretz, B-R-E-T-Z.

23 CHAIRPERSON PEDDIBOYINA: Are you an attorney?

1 MR. BRETZ: No, I am not.

2 CHAIRPERSON PEDDIBOYINA: Please swear him in,  
3 Madam Secretary.

4 MEMBER KRIEGER: Do you swear or affirm to tell  
5 the truth in this case?

6 MR. BRETZ: I do.

7 MEMBER KRIEGER: Thank you.

8 CHAIRPERSON PEDDIBOYINA: Go ahead, proceed.

9 MR. BRETZ: Okay. Again, my name is Steven Bretz  
10 from Philips Sign & Lighting and with me tonight is Scott  
11 Hughes from the Beaumont Urgent Care.

12 We are here tonight to request your approval for  
13 the installation of a second wall sign on the east elevation  
14 of the wall of the new Beaumont Urgent Care located at 43535  
15 Grand River. We thank you for your approval of the wall  
16 sign on the north elevation of the building. Our request is  
17 for an identical sign in copy and in size, 40 square feet,  
18 the same size as the north elevation.

19 Our concern is for the safety of the citizens when  
20 a time in a stressful situation looking for a Beaumont  
21 Urgent Care may have difficulty locating the building due to  
22 the trees and the landscaping out front of the building.  
23 This sign would be especially helpful for those approaching

1 from the Grand River and Novi intersection.

2           Beaumont Urgent Care is proud and excited to be a  
3 member of the Novi community and they look forward to  
4 serving its citizens. I want to thank you tonight for your  
5 time and consideration of this proposal.

6           CHAIRPERSON PEDDIBOYINA: Okay. Thank you. You  
7 want to speak?

8           MR. HUGHES: Yeah.

9           CHAIRPERSON PEDDIBOYINA: Please tell your name  
10 for the court recorder.

11           MR. HUGHES: Scott Hughes, S-C-O-T-T, H-U-G-H-E-S.

12           MEMBER KRIEGER: Are you an attorney?

13           MR. HUGHES: I am not.

14           MEMBER KRIEGER: Do you swear or affirm to tell  
15 the truth in this case?

16           MR. HUGHES: I do.

17           MEMBER KRIEGER: Thank you.

18           CHAIRPERSON PEDDIBOYINA: Please proceed.

19           MR. HUGHES: Yes. I am the marketing manager for  
20 Beaumont Urgent Care. And we really would appreciate  
21 approval of this sign. We've been having -- a lot of people  
22 is having a visibility issue, even though the sign is -- on  
23 the other elevation is a nice size sign, there's a lot of

1 foliage with the trees -- a lot of foliage with the trees  
2 and it's hard to see the sign. And, also, if you're coming  
3 from the Novi -- from Novi Road its very hard to see the  
4 sign based on the position of the building. The angle of  
5 the building is as such until you're right up upon it you  
6 really can't see the Beaumont Urgent Care sign. And we've  
7 actually been struggling with patient volume at this  
8 particular facility, so I think a lot of that has to do with  
9 visibility and lack of visibility, and we just really feel  
10 that an additional sign on the other side of the building  
11 would really improve visibility and improve patient access  
12 so they can see the sign more readily when they're in a  
13 position where they need urgent care.

14 CHAIRPERSON PEDDIBOYINA: Okay. Thank you.

15 Anyone in the audience?

16 Okay. Thank you.

17 From the City?

18 MR. BUTLER: No comments.

19 CHAIRPERSON PEDDIBOYINA: Okay. Corresponding  
20 Secretary.

21 MEMBER KRIEGER: For PZ19-0040, Phillips Sign &  
22 Lighting and Beaumont Urgent Care. 39 letters were sent,  
23 one returned, zero approvals, zero objections.

1 CHAIRPERSON PEDDIBOYINA: Thank you.

2 Recently me and my friend came for your Beaumont  
3 Urgent Care and I agree there is a need for the sign and an  
4 additional sign. I put it to my Board and let's discuss and  
5 place on the Board. Thank you.

6 Go ahead, Mr. Sanghvi.

7 MEMBER SANGHVI: Thank you, Mr. Chair.

8 I came and looked at your place. I know your  
9 parking on the side you need a sign to tell where the place  
10 have to go. So I have no problem and I'm in full support of  
11 your application. Thank you.

12 CHAIRPERSON PEDDIBOYINA: Thank you, Mr. Sanghvi.  
13 Anyone on the Board, please.

14 MEMBER SANKER: I have a question. Are any of  
15 those on the property that you own, those trees, I should  
16 say?

17 MR. HUGHES: Yes, there are some on the property.  
18 We actually had them trimmed back, a lot of those trees.

19 MEMBER SANKER: Are they all on your property in  
20 this picture?

21 MR. HUGHES: What's that?

22 MEMBER SANKER: Are they all on your property?

23 MR. HUGHES: Yes, yes. I believe the majority of

1    them are -- I don't think any of those are City property  
2    trees, I do believe those are mostly on the property. We  
3    don't own the building, we're a tenant of the building, but  
4    we did ask to have the trees trimmed back. And they trimmed  
5    them a little. It didn't really help. You could see a  
6    little bit more from underneath but on top there they didn't  
7    have the reach apparently to trim the top portion of those  
8    trees and that's really where the visibility issue comes in.

9           MEMBER SANKER: They grow, too. It's tough.

10          MR. HUGHES: Exactly, yeah.

11          MEMBER SANKER: It would be good to have it on the  
12    east side of the --

13          MR. HUGHES: Oh, yeah, definitely.

14          MEMBER SANKER: That's my only question.

15          CHAIRPERSON PEDDIBOYINA: Thank you.

16          Anyone on the Board, please.

17                  Mr. Sanghvi, go ahead.

18                  MEMBER SANGHVI: I move that we grant  
19    the variance in case of PZ19-0040 sought by Beaumont Urgent  
20    Care for a second sign on their business.

21                          Without the variance the petitioner will  
22    be unreasonably prevented from or limited with respect to  
23    the use of this property because the parking lot is located



1 where they need the sign. The second sign is needed.

2 And this property is unique because the  
3 way it is located and more or less nestled between Grand  
4 River and Novi Road and it's not very easily visible from  
5 either of the two main roads.

6 And petitioner did not create the  
7 condition. Because of the configuration of this building as  
8 such there is no other way of doing it. The relief granted  
9 will not unreasonably interfere with any adjacent or  
10 surrounding property and the relief is consistent with the  
11 spirit and intent of the ordinance.

12 And this sign is needed for business  
13 identification. Thank you.

14 MEMBER KRIEGER: Second.

15 CHAIRPERSON PEDDIBOYINA: Thank you.

16 Okay. Please call for the role.

17 MS. OPPERMAN: Member Montague.

18 MEMBER MONTAGUE: Yes.

19 MS. OPPERMAN: Member Sanker.

20 MEMBER SANKER: Yes.

21 MS. OPPERMAN: Member Sanghvi.

22 MEMBER SANGHVI: Yes.

23 MS. OPPERMAN: Member Longo.

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MEMBER LONGO: Yes.

MS. OPPERMAN: Member Krieger.

MEMBER KRIEGER: Yes.

MS. OPPERMAN: Chairperson Peddiboyina.

CHAIRPERSON PEDDIBOYINA: Yes, please. Thank you.

MS. OPPERMAN: And Member Byrwa.

MEMBER BYRWA: Yes.

MS. OPPERMAN: Motion passes.

CHAIRPERSON PEDDIBOYINA: Thank you.

Congratulations.

MR. HUGHES: Thank you. I appreciate it.

CHAIRPERSON PEDDIBOYINA: Any other business apart  
from this?

Okay.

MEMBER KRIEGER: Move to adjourn.

CHAIRPERSON PEDDIBOYINA: Move to adjourn.

All in favor.

(All indicated aye)

(The meeting concluded at 8:38 p.m.)

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CERTIFICATE OF REPORTER

STATE OF MICHIGAN )  
 ) SS  
COUNTY OF OAKLAND )

I, Cynthia Ann Chyla, hereby certify that I reported stenographically the foregoing proceedings and testimony under oath at the time and place hereinbefore set forth; that thereafter the same was reduced to computer transcription under my supervision; and that this is a full, true, complete and correct transcription of said proceedings.

15

ss/ Cynthia Ann Chyla, CSR 0092  
Notary Public  
Oakland County, Michigan

My Commission expires: May 12, 2023



# COMMUNITY DEVELOPMENT DEPARTMENT

45175 Ten Mile Road  
Novi, MI 48375  
(248) 347-0415 Phone  
(248) 735-5600 Facsimile  
[www.cityofnovi.org](http://www.cityofnovi.org)

## ZONING BOARD OF APPEALS STAFF REPORT

FOR: City of Novi Zoning Board of Appeals

ZONING BOARD APPEALS DATE: November 19, 2019

REGARDING: 44840 North Hills Drive, Parcel # 50-22-34-127-003 (PZ19-0032)

BY: Larry Butler, Deputy Director Community Development

### I. GENERAL INFORMATION:

**Applicant**

North Hills Village Apartments

**Variance Type**

Dimensional Variance

**Property Characteristics**

Zoning District:	Low-Density Multiple-Family
Location:	West of Novi Road and South Of Nine Mile Road
Parcel #:	50-22-34-127-003

**Request**

The applicant is requesting variances from the City of Novi Zoning Ordinances Section 5.11.C for a fence with horizontal support boards facing neighboring properties. The code requires that where a fence has finished and an unfinished side, the finished or more decorative side shall face outward the adjoining property or street. This property is zoned Low-Density Multiple-Family (RM-1).

### II. STAFF COMMENTS:

### III. RECOMMENDATION:

The Zoning Board of Appeals may take one of the following actions:

1. I move that we **grant** the variance in Case No. **PZ19-0032**, sought by \_\_\_\_\_, for \_\_\_\_\_ because Petitioner has shown practical difficulty requiring \_\_\_\_\_.
- (a) Without the variance Petitioner will be unreasonably prevented or limited with respect to use of the property because \_\_\_\_\_.
- (b) The property is unique because \_\_\_\_\_.
- (c) Petitioner did not create the condition because \_\_\_\_\_.

- \_\_\_\_\_.
- (d) The relief granted will not unreasonably interfere with adjacent or surrounding properties because\_\_\_\_\_.
- \_\_\_\_\_.
- (e) The relief if consistent with the spirit and intent of the ordinance because
- \_\_\_\_\_.
- \_\_\_\_\_.
- (f) The variance granted is subject to:
1. \_\_\_\_\_.
  2. \_\_\_\_\_.
  3. \_\_\_\_\_.
  4. \_\_\_\_\_.

2. I move that we **deny** the variance in Case No. **PZ19-0032**, sought by \_\_\_\_\_,  
for\_\_\_\_\_ because Petitioner has not shown practical difficulty requiring \_\_\_\_\_.

- (a) The circumstances and features of the property including\_\_\_\_\_ are not unique because they exist generally throughout the City.
- (b) The circumstances and features of the property relating to the variance request are self-created because\_\_\_\_\_.
- \_\_\_\_\_.
- (c) The failure to grant relief will result in mere inconvenience or inability to attain higher economic or financial return based on Petitioners statements that \_\_\_\_\_.
- (d) The variance would result in interference with the adjacent and surrounding properties by\_\_\_\_\_.
- (e) Granting the variance would be inconsistent with the spirit and intent of the ordinance to\_\_\_\_\_.
- \_\_\_\_\_.

Should you have any further questions with regards to the matter please feel free to contact me at (248) 347-0417.

Larry Butler  
Deputy Director Community Development  
City of Novi