

REGULAR MEETING - ZONING BOARD OF APPEALS

CITY OF NOVI

TUESDAY, FEBRUARY 11, 2019 7:00 P.M.

Council Chambers/Novi Civic Center

BOARD MEMBERS:

Kevin Sanker, Acting Chairperson

Linda Krieger, Acting Secretary

Michael Longo

Clift Montague

ALSO PRESENT:

Elizabeth Saarela, City Attorney

Lawrence Butler, Community Development,

Deputy Director

Katherine Opperman, Recording Secretary

Reported by:

Cynthia Ann Chyla

Certified Shorthand Reporter

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1 Novi, Michigan

2 Tuesday, February 11, 2020

3 7:00 p.m.

4 MEMBER SANKER: Good evening,
5 everyone, and welcome to the February 2020 Zoning Board
6 of Appeals meeting.

7 If we can all rise and stand for the Pledge
8 of Allegiance.

9 (Pledge of Allegiance)

10 MEMBER SANKER: All right. Thank you.
11 And if the City Clerk could do the roll call,
12 please.

13 MS. OPPERMAN: Member Krieger.

14 MEMBER KRIEGER: Here.

15 MS. OPPERMAN: Member Longo.

16 MEMBER LONGO: Here.

17 MS. OPPERMAN: Member Sanker.

18 MEMBER SANKER: Here.

19 MS. OPPERMAN: Member Montague.

20 MEMBER MONTAGUE: Here.

21 MS. OPPERMAN: Members Sanghvi, Verma and
22 Peddiboyina are absent and excused.

23 MEMBER SANKER: Okay. Thank you.

1 And now we're going to the public format and
2 rules which is basically an explanation of how this
3 meeting is going to work, but before that because we
4 only have four people out of seven which is a quorum,
5 you'll be required to have a unanimous vote of all of
6 us to pass your variances, and if you'd like you have
7 the right to table your case until the Board is full of
8 seven people. And, so, if you want to do that, just
9 step up to the podium and let us know.

10 And, so, just for the rules of conduct.
11 Obviously please turn off your phones and any other
12 devices that make noise during the meeting.

13 You'll be asked to state your name -- step up
14 here to this podium, state your name, your address and
15 be sworn in by our Secretary.

16 You'll be allowed 5 minutes to present your
17 case and if you'd like an extension, you'll have to ask
18 and it may or may not be granted. And, then, at that
19 point after you're done anyone in the audience who
20 wishes to address or make comments about your case can
21 do so. You'll be asked to please raise your hand and
22 be recognized and upon recognition you'll come up here
23 and you'll have 3 minutes to say whatever you'd like

1 about the case.

2 And then you'll only -- if you're speaking
3 from the audience you'll only be allowed to speak once
4 unless a Board member specifically addresses you or
5 asks you a question later on.

6 After that the Secretary will read the number
7 of public hearing notices mailed, and any responses
8 will be read into the record. And then after that
9 we'll ask the City and the City attorney for any
10 comments and then we'll turn it over to the Board
11 members to make a decision and -- or ask questions, get
12 additional information that they need and then we'll
13 have a vote. So that's how it's going to work tonight.

14 And next we need to approve the agenda.

15 Any additions, comments, questions?

16 MS. OPPERMAN: There are no changes.

17 MEMBER SANKER: No changes?

18 MS. OPPERMAN: No.

19 MEMBER SANKER: Do I have a notion to
20 approve?

21 MEMBER LONGO: I so move.

22 MEMBER KRIEGER: Second.

23 MEMBER SANKER: And do we do a roll call vote

1 for this? No.

2 All in favor, aye.

3 (All indicate aye)

4 MEMBER SANKER: All opposed.

5 All right. We have an agenda.

6 And for the meeting minutes of December 2019,
7 any additions, deletions?

8 MEMBER KRIEGER: On page 14, line 1, it was
9 one objection where it was empty. That was it.

10 Do we have a motion to approve those changes?

11 MEMBER MONTAGUE: Sure. Yes, I move.

12 MEMBER SANKER: And a second?

13 MEMBER KRIEGER: Second.

14 MEMBER SANKER: All in favor.

15 (All indicate aye)

16 MEMBER SANKER: Okay. Those meeting minutes
17 are approved.

18 Okay. At this time, we're going to open it
19 up to the public to make any public remarks. So if
20 anyone would like to come up and comment, please do so.

21 Okay. Seeing none, we'll close the public
22 remarks section and we'll move to the public hearing.

23 So we'll call the first case which is

1 PZ20-0001, Guernsey Farms at 23100 Novi Road, east of
2 Novi Road and north of Eight Mile Road, parcel Number
3 50-22-35-301-001. The applicant is requesting variance
4 from the City of Novi Zoning Code Section 5.3.12 for
5 the absence of end island curbing. By code end islands
6 landscaped with raised curbs are required at the end of
7 all parking bays that abut traffic circulation aisles
8 in off-street parking. This property is zoned General
9 Business (B-3).

10 Is anyone from Guernsey Farms here?

11 MR. BONISLAWSKI: Just waiting for the
12 invite.

13 MEMBER KRIEGER: Come on up.

14 MEMBER SANKER: Step on up.

15 MR. BONISLAWSKI: Good evening. Roman
16 Bonislawski.

17 Do you want me to spell that?

18 MEMBER KRIEGER: Yes, please.

19 MR. BONISLAWSKI: Yeah, I figured.

20 B-O-N-I-S-L-A-W-S-K-I. Ron & Roman, 275 E. Frank
21 Street, Birmingham, Michigan 48009.

22 MEMBER KRIEGER: Are you an attorney?

23 MR. BONISLAWSKI: No, I'm an architect.

1 MEMBER KRIEGER: That's okay.

2 Would you raise your right hand?

3 MR. BONISLAWSKI: I will.

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

6 MR. BONISLAWSKI: I do.

7 MEMBER KRIEGER: Thank you. I appreciate it.

8 MR. BONISLAWSKI: Thank you.

9 Well, it's a pleasure to be in front of this
10 Board. I would firstly hope that the Members of this
11 Board have had the opportunity to review the wonderful
12 set of Planning and City Commission meeting minutes
13 that we've had regarding this project, the dialogue
14 that's been had, and the fact that we've been working
15 with the City for a very long time to finally get to
16 this point in time. We're doing a very special thing,
17 we think it's a very special thing in the City of Novi
18 for a piece of property that's got a Northville mailing
19 address but associates and images itself so strongly
20 with Novi.

21 Guernsey Farms is coming up on their 80th
22 anniversary and the boys themselves so dislike the fact
23 that they had to go somewhere else to have a dinner and

1 enjoy a beer with their dinner that they saw this as an
2 opportunity to completely redo the facility, keep it as
3 a simple less than 100-seat restaurant as it is now,
4 not lose the favor or patronage of those people that
5 exist for that place as it is, introduce a small bar
6 component, redo the ice cream, a new soda fountain,
7 redo the exterior of the building, set themselves up
8 for a big 80th anniversary party this coming April; and
9 then also to try to make this all happen very
10 realistically.

11 We've been working with the City and the
12 Planning Department for many, many months and with what
13 started as a huge array of issues that we were trying
14 to work around we managed to resolve every single item
15 that was involved with the project but for the one that
16 we're kind of insistent or hopeful that other people
17 would recognize what we see as a big value in the
18 imaging of the front of that property by taking that
19 area where they have their rock garden where the kids
20 play on and the 100-year-old, 100-plus-year old oak
21 tree where it is and just on the surrounding area for
22 that island of land, which is also identified, by the
23 way, if you've had the opportunity to review the site

1 plan, even the crosswalk area that we're creating
2 internally on the site from the restaurant entry for
3 the kids and families to go out and enjoy the rocks and
4 the big old oak tree out there is being defined by
5 means of a big spilt milk pattern that we're doing on
6 the paving there.

7 We've managed to work our way through
8 Planning and City with glowing reviews and approvals
9 with the one dangling piece that we're here in front of
10 you today, and that is for this Board to consider that
11 the character of that road as it stands right now is an
12 uncurbed situation.

13 We have now brought the balance of the site
14 to the development standards that any new project would
15 have on the site and that by and with this one
16 allowance we would then retain a specific character
17 which resembles one of an undeveloped roadside park
18 almost in an area where we're not setting precedent
19 because there is no other development that will happen
20 to the south towards Eight Mile Road, that's all built
21 out, and to the north already exists the way it is.

22 If you'd have that consideration we believe
23 that there's very unique circumstances associated with

1 this project which would warrant a favorable response
2 from this Board.

3 Thank you.

4 MEMBER KRIEGER: Thank you.

5 MEMBER SANKER: Okay. Any comments from the
6 public?

7 MR. MIKE DUCHESNEAU: Mike Duchesneau,
8 D-U-C-H-E-S-N-E-A-U, 1191 South Lake Drive. And that
9 was a very nice speech, by the way.

10 But the project deviation should be
11 supported, the deviation support this recommendation.
12 The main reason that the architects and planners are
13 here is because they wanted to save a tree, and I don't
14 know how often we get a developer that's asking for
15 variances to save trees in Novi, but this is one case
16 where that should happen.

17 And the applicant, as he stated, which I was
18 in attendance at the Planning Board when this came up,
19 was very impressed with the cow architecture in the
20 driveway, so I say this project should be supported
21 with the variances being requested. Thank you.

22 MEMBER KRIEGER: Thank you.

23 MEMBER SANKER: Anyone else from the public?

1 Okay. Secretary.

2 Any comments from the City?

3 MR. BUTLER: No comments from the City at
4 this time. Standing by for questions.

5 MEMBER SANKER: Thank you.

6 Now Secretary.

7 MEMBER KRIEGER: In this case 38 were sent
8 out, zero returned, zero approval, zero objections.

9 MEMBER SANKER: Okay. Thank you.

10 And now it's open to the Board for any
11 questions or clarifications or a motion?

12 MEMBER LONGO: The only comment I'd make is
13 that we all know that there's been several accidents
14 right near there. My grandkids play in that area, too,
15 so I understand where you're coming from, but it's a
16 little scary because I don't know why there are
17 accidents there at that T but that was the only thought
18 that I had.

19 I don't -- having said that I don't know
20 that, you know, putting that around it would stop --
21 certainly wouldn't stop the accidents and I don't know
22 if it would provide any more safety. That was the only
23 concern I had with safety.

1 Yes, of course.

2 MR. BONISLAWSKI: Thank you. It was
3 interesting that you said that because one of our bases
4 for improvements at the site circulation was that we're
5 closing off that center entrance/exit way. Now at the
6 south end it's entrance only. It's one way through the
7 only lot and the only exits back at the northern end of
8 the parking lot and we've done away with that center --

9 MEMBER LONGO: Well, that will help.

10 MR. BONISLAWSKI: And the curbing would have
11 only related to the interior side of the parking lot,
12 not the street side which has the culvert and the ditch
13 in it right now.

14 MEMBER LONGO: Thank you.

15 That's all I have.

16 MEMBER SANKER: Thank you.

17 Anybody else?

18 Go ahead.

19 MEMBER KRIEGER: I appreciate your speeches,
20 it was very good. And I've known Guernsey forever as
21 well and to save an oak tree I appreciate that and the
22 rocks. The atmosphere to have ice cream in the middle
23 of the summer under the heat and go sit under the tree

1 is traditional of Northville and Novi. So I'm in
2 support of this motion -- of this case.

3 MEMBER MONTAGUE: Ready for a motion?

4 MEMBER SANKER: Sure.

5 MEMBER MONTAGUE: All right. I would move
6 that we grant the variance in case Number PZ-220-001
7 sought by Guernsey Farms for Novi Code Section 5.3.12,
8 the absence of island curbs.

9 The property is unique because it has a
10 historic significance in terms of its layout and its
11 tree. The Petitioner didn't create -- obviously the
12 tree was there a long, long time ago, so it did not
13 create it and it would not unreasonably interfere with
14 any adjacent property and, therefore, I feel it's
15 consistent with the spirit and intent of the ordinance.

16 MEMBER KRIEGER: Second.

17 MEMBER SANKER: Okay. Thank.

18 City Clerk, please call the roll.

19 MS. OPPERMAN: Member Longo.

20 MEMBER LONGO: Yes.

21 MS. OPPERMAN: Member Sanker.

22 MEMBER SANKER: Yes.

23 MS. OPPERMAN: Member Krieger.

1 MEMBER KRIEGER: Yes.

2 MS. OPPERMAN: And Member Montague.

3 MEMBER MONTAGUE: Yes.

4 MS. OPPERMAN: Motion passes.

5 MEMBER KRIEGER: Thank you. Congratulations.

6 MR. BONISLAWSKI: Thank you.

7 MEMBER KRIEGER: Looking forward to it.

8 MEMBER SANKER: Let's get it open.

9 MR. BONISLAWSKI: If you have not noticed
10 it's well under way. Thank you very much.

11 MEMBER SANKER: Okay. Next case is
12 PZ20-0002, Allied Signs and Chick-Fil-A at the address
13 of 27750 Novi Road east of Novi Road and south of
14 Twelve Mile Road, parcel Number 50-22-14-100-050. The
15 applicant is requesting a variance from the City of
16 Novi Code of Ordinances Section 28-5(d)(14) for the
17 addition of two proposed signs, three sign maximum
18 allowed by code. The property is zoned Regional Center
19 (RC).

20 MS. HAMILTON: Good evening. I'm Kristin
21 Hamilton. I'm here for Chick-Fil-A, 5200 Buffington
22 Road, Atlanta, Georgia.

23 As you maybe know or don't know, Chick-Fil-A

1 is certainly new to your area and this is one of the
2 first locations we'll be opening. We have had a few
3 openings in the Detroit area and hope to continue with
4 our growth in your state and surrounding --

5 MEMBER SANKER: Just to cut you off real
6 quick. Are you an attorney?

7 MS. HAMILTON: No.

8 MEMBER SANKER: Let the secretary swear you
9 in.

10 MS. HAMILTON: Oh, I'm sorry.

11 MEMBER SANKER: That's okay.

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

14 MS. HAMILTON: Yes, ma'am.

15 MEMBER KRIEGER: Thank you.

16 MS. HAMILTON: Okay. We are not a well-known
17 brand here and it's important for us to get our name
18 out there, and in this particular location we do show
19 two wall signs and a small monument sign positioned on
20 a fairly large lot with visibility on all sides. We
21 are out in front of a shopping center and would like
22 visibility from all standpoints.

23 The two additional signs that we are

1 requesting with what we've already gotten permits on we
2 are asking for a total of 253.37 square feet, and your
3 ordinance allows for 250. So with the additional
4 signage we're only over by 3.37 square feet. And the
5 two additional wall signs, one of them would be for
6 traffic exiting the highway where our building would be
7 on the right side of the cars. There will be no
8 visibility to our name from that location.

9 Same as the other side which is really the
10 parking lot side. There are two different sign types
11 that we're requesting. The one that is on the parking
12 lot side we refer to as our chicken icon or see icon
13 sign. It's a square, just the chicken with feathers
14 and beak over the front door and it's certainly a
15 branding element for us but it's also -- it's almost
16 just kind of a picture over the building. If you see
17 the building without that, it looks rather plain.

18 And the sign that we're requesting on the
19 highway side is what we call our script logo so it says
20 Chick-Fil-A in script which is a little bit more known.

21 There's no -- you know, it's -- we're trying
22 to make sure that people see us and come to the
23 location. It's not going to really deter from anything

1 out there. I did drive the location today and we're,
2 you know, we're pretty open and have visibility to all
3 four sides so we feel like it's important for certainly
4 our immediate success in this area is to get our name
5 out there and make sure people see all of our signage.
6 And, again, we're, with the additional signs we're only
7 over by just over 3 square feet.

8 MEMBER SANKER: Did you bring any pictures or
9 anything that you have --

10 MS. HAMILTON: I do have pictures.

11 MEMBER SANKER: -- you can put up on that
12 little --

13 MS. HAMILTON: Oh, I don't know how to do
14 that.

15 MS. OPPERMAN: If you just set them on that
16 little overhead projector it will come on the screen.

17 MS. HAMILTON: Set them -- they're on my
18 iPod.

19 MEMBER KRIEGER: That's fine. It will show
20 up, too.

21 MS. HAMILTON: I'm sorry.

22 MEMBER SANKER: Perfect.

23 MS. HAMILTON: So here you see we've shadowed

1 it out right here. That's the see icon, that will be
2 red, an illuminate red with the white copy coming
3 through. And then this is our script logo here which
4 we are requesting to add in this area on the elevation.

5 This is the rear of the building which you
6 can see from back in the shopping mall and this is the
7 front of the building which you can see from Twelve
8 Oaks.

9 So the side of the building on the highway
10 side, you know, we have that brick portion built out to
11 hold the logo. So the building is under construction.

12 I was by there today so we're moving quite
13 along so we made the decision to leave that spot there.
14 Normally if we're not granted a sign on that side we
15 would have taken -- we would have taken this little
16 area out and just made that, you know, the dark brick
17 meeting up with the light brick in a straight line.

18 MEMBER SANKER: Is that it?

19 MS. HAMILTON: Yes.

20 MEMBER SANKER: Okay. Thank you.

21 Anyone from the public wish to speak about
22 this?

23 MR. FIELDS: Jim Fields, Allied Signs, 33650

1 Giftos Drive, Clinton Township. I'm actually the
2 applicant on these.

3 MEMBER KRIEGER: Yeah.

4 MEMBER SANKER: Please raise your hand.

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

7 MR. FIELDS: I do.

8 MEMBER KRIEGER: Thank you.

9 MR. FIELDS: So, in essence, the zoning
10 allows for two signs, in addition we allow for the
11 three. The max square footage would be 250 square
12 feet. The frontage of the building is actually 398
13 square feet which would meet the 250. Would be under 4
14 square foot in overage would be in the max allowed to
15 allow for the two wall signs.

16 In her print when she showed it if you look
17 at here, you can actually see the detail of the
18 building where you have the southwest corner and then
19 the small box logo goes here. So we already have
20 approvals here and we have approvals here.

21 Since the flow of the traffic to get them
22 in -- and I don't know if you've been to one of these
23 locations, it's a very, very heavy traffic orientation

1 for the cars, so the branding getting them into and
2 around the building helps with the inflow and the
3 outflow of the traffic, so there would be branding on
4 all four sides of the building. Especially with the
5 way the lot is shaped coming off 96 it will help
6 getting people in and around this lot. So it's really
7 a 4-square-foot overage but it is for just the two
8 additional signs.

9 So, even with the ground signs and all four,
10 you're still almost at the square footage max allowed,
11 it's just the two different elevation positions. And
12 with the shape of the building instead of being just a
13 square lot where we're dealing with 90-degree angles,
14 we're dealing with these 33- and 35-degree pitches
15 which, of course, changes everything, the visibility,
16 so

17 MEMBER SANKER: Okay. Thank you.

18 Anyone else from the public wish to comment?

19 Okay. Then we'll hand it over to the City.

20 Any comments?

21 MR. BUTLER: Yes. Just wanted it to be noted
22 that they did express a hardship due to the fact that
23 the amount of traffic that comes through that area and

1 with the additional signs it would allow people to
2 safely see where they're going and make their
3 adjustments in that traffic to get into the area
4 without at the last minute adjustments which would be
5 pretty much be a hazard in that area. So they have
6 done a really good job of showing how they're trying to
7 get the traffic there safely and see the signs ahead of
8 time without having to make rapid adjustments.

9 MEMBER SANKER: Thanks, Larry.

10 And from the Secretary?

11 MEMBER KRIEGER: 16 notices were sent, zero
12 returned, zero approval, zero objections.

13 MEMBER SANKER: Thank you.

14 And open it up to the Board.

15 Motion, anybody?

16 MEMBER LONGO: Yes. I move that we grant the
17 variance in the case of PZ20-0002, sought by Allied
18 Signs/Chick-Fil-A, Parcel Number 50-22-14-100-050 for
19 two additional signs because the Petitioner has shown
20 practical difficulty requiring additional signage.

21 Without variance the Petitioner would be
22 unreasonably prevented, or limited in respect to the
23 use of the property because all sides are exposed to

1 the public and to traffic. The property is unique
2 because it sits on an entrance to the mall, it sits on
3 Novi Road and it sits on a very busy exit ramp of I-96.
4 Petitioner did not create the condition because the
5 property is surrounded by this aforementioned traffic
6 pattern.

7 The relief granted will not unreasonably
8 interfere with adjacent or surrounding properties
9 because the area is commercial and without any -- and
10 it doesn't cause any difficulties for the surrounding
11 businesses.

12 The relief is consistent with the spirit and
13 intent of the ordinance because it does not impair the
14 public nor the general appearance of the area in any
15 way.

16 MEMBER KRIEGER: Second.

17 MEMBER SANKER: Okay. Katherine, call the
18 role, please.

19 MS. OPPERMAN: Member Krieger.

20 MEMBER KRIEGER: Yes.

21 MS. OPPERMAN: Member Longo.

22 MEMBER LONGO: Yes.

23 MEMBER SANKER: Yes.

1 MS. OPPERMAN: And Member Montague.

2 MEMBER MONTAGUE: Yes.

3 MS. OPPERMAN: Motion passes.

4 MEMBER KRIEGER: Congratulations.

5 MEMBER SANKER: Thank you very much.

6 MEMBER LONGO: Get it open. We do know about
7 you up here, by the way.

8 MS. HAMILTON: Good. The man that checked me
9 into my hotel had never heard of us.

10 MEMBER SANKER: Okay. And the last case is
11 PZ20-0003, Joann and Ned Aloe at 1529 W. Lake Drive
12 east of West Park Drive and south of W. Pontiac Trail,
13 Parcel Number 50-22-03-131-004.

14 The applicant is requesting a variance from
15 the City of Novi Zoning Code Section 4.19(1)(b) to
16 allow the proposed building of an accessory structure
17 in the front yard. By code accessory buildings shall
18 not be erected in the front yard or in any required
19 exterior side yard. This property is zoned Single
20 Family Residential (R-4).

21 MR. PALMER: I'm John Palmer. I am Joann's
22 brother. They live in -- they're snowbirds.

23 MEMBER KRIEGER: Are you an attorney?

1 MR. PALMER: No.

2 MEMBER KRIEGER: Okay. Do you swear or
3 affirm to tell the truth in this case?

4 MR. PALMER: I do. But that may be a moot
5 point because I think I'm going to delay.

6 With all due respect I heard all four have to
7 agree, and while I don't think this is a big deal
8 because there are so many -- it's on the lake and there
9 is no -- they have no option, if they're going to build
10 a garage it has to be the road side, it can't be on the
11 other side.

12 But, nonetheless, not knowing the community,
13 not living in the community I don't know if this is a
14 hot potato or not and I would not want to take the risk
15 of losing one of you from an affirmative vote so I
16 think it's wise for me to delay. Unless you're going
17 to tell me you're going to say yes.

18 MEMBER SANKER: You have to present your
19 case.

20 MR. PALMER: So -- and I'm not -- if I were
21 to present, I lose my option; is that correct?

22 MEMBER SANKER: Yeah, you would -- right,
23 unless we chose to table it. I suppose we could choose

1 to table it if we need more information.

2 MR. PALMER: I guess I'm almost asking for
3 your direction if you're able.

4 MEMBER LONGO: You would lose your option to
5 table to another night.

6 MR. PALMER: Yeah, I think it's wise. As
7 much as I don't want to delay the process, they're not
8 here and I don't want no speak for them.

9 MS. SAARELA: I just want to add, you know,
10 he's free to put it on but then he would have to redo
11 it again when we have the rest of the members here so
12 it might not be --

13 MR. PALMER: I don't mind doing it twice if
14 that's what you're asking.

15 MS. SAARELA: Doing it twice, that's all I'm
16 saying.

17 MR. PALMER: Yeah, I don't mind doing that.
18 Do you want me to move forward?

19 MS. SAARELA: It's up to you whether you want
20 to hear it and table it or table it and then hear it.

21 MEMBER LONGO: Can we hear it and vote?

22 MEMBER SANKER: I think we should hear it and
23 if we feel we're comfortable to vote on it we can do

1 that.

2 MEMBER KRIEGER: Yeah. I'm comfortable
3 listening.

4 MR. PALMER: Okay. I'm not sure what I
5 heard.

6 MS. SAARELA: It sounds like they're going to
7 hear you out and see what the consensus is, and if
8 they're not comfortable that they have everybody,
9 they'll wait to get extra --

10 MEMBER SANKER: Okay. We'll elect to table.

11 MR. PALMER: Again, I don't want to waste
12 your time.

13 MEMBER KRIEGER: No.

14 MR. PALMER: And, again, I live on a lake as
15 well and I understand, you know, you don't have a front
16 and a backyard, you've got water. So I have paperwork,
17 handouts. Is that okay if I bring them to you or no?

18 MS. SAARELA: Yes. Give them to the --

19 MR. PALMER: It's just a little map, if you
20 will.

21 MEMBER SANKER: Sure.

22 MR. PALMER: Now, I think it's laid out
23 clearly for you and there are reasons for this.

1 MEMBER KRIEGER: Can you put this on the
2 overhead.

3 MR. PALMER: Well, if I -- sure. You're
4 talking to an old man here that -- is that close?

5 MEMBER KRIEGER: You're fine. Give it a
6 shot.

7 MR. PALMER: There it is. I mean, it's
8 pretty clear and cut. It's nothing fancy. The garage,
9 you see there's a gap here between the house and the
10 garage and that's because, again, they're getting older
11 and they need to keep their options open, if they need
12 to come back here to be closer to family and et cetera
13 and they do have plans should that happen to extend the
14 home. And they need -- this is 10-foot here. The
15 contractor, which is Father & Son, needs -- they need,
16 they want 12-foot of separation. She's going to give
17 them 10-foot and they'll have to make due just for all
18 their equipment to come in and the workers to be safe.

19 On this side, the reason it's offset to the
20 right, on this side is where the I guess main water is
21 and, so, they can't disturb that and they also need to
22 come in with the equipment so they can work on the
23 house.

1 Again, being the lake over here, when you
2 live on a lake, I don't know who does or who doesn't,
3 but the front yard is the lake. So she can't build a
4 garage in the front yard or what's traditionally known
5 as a backyard so she has to come on the other side.

6 It would give 22-foot off the road. I know
7 you ask for 30 but 22-foot is more than enough for a
8 car to park safely.

9 And I guess other than that I'll answer any
10 questions that I can answer for you.

11 MEMBER SANKER: Okay. Thank you.

12 Anyone from the public wish to speak on this?
13 Please come up.

14 MR. PALMER: Shall I leave this up here?

15 MEMBER KRIEGER: Yeah, please.

16 MS. DOROTHY DUCHESNEAU: My is Dorothy
17 Duchesneau. I own a home at 125 Henning in Novi and we
18 do live on the lake. I fully support allowing the
19 building of a garage in the front yard with the
20 requested setback from the road. This is totally
21 typical for homes on the Walled Lake, especially those
22 on narrow 40-foot lots.

23 In looking through the packet as it showed on

1 the City website I did have questions regarding the
2 reduction on the side yard setback going down to less
3 than the required 6-foot for a garage, and I also
4 noticed that there were comments made about the phase 2
5 of the proposed remodel which the applicant has
6 explained a little bit further on only from the
7 standpoint of, you know, are you going to approve one
8 thing without knowing what the second thing is and does
9 one basically affect the other.

10 Also, based on what I found on the City plans
11 it showed a 20 by 24. A 14 by 24 would be considered a
12 single garage. I would call a 20 by 24 a 2-car garage
13 which, again, is pretty stand in the area but I can
14 understand about the water mains and lines. But if
15 possible they could stay with the 6-foot we, drove past
16 the home this evening and the neighbor to the right is
17 closer than he looks.

18 Thank you.

19 MEMBER SANKER: Thank you.

20 Anyone else?

21 Please come up.

22 MR. WEINGER: Hello. My name is Justin
23 Weinger.

1 Do I need to do the swearing in?

2 MS. OPPERMAN: You'll need to state and spell
3 your last name.

4 MR. WEINGER: Justin Weinger, last name is
5 spelled W-E-I-N-G-E-R.

6 I am the Aloes' next door neighbor, so the
7 one on the right-hand side if you're facing opposite
8 the water.

9 Anyways, I know Ned and Joann, like them very
10 much, and they had asked ahead of time if I supported
11 this and I do fully. Being on a 40 wide plot of land I
12 understand the limitations.

13 And I have, the neighbors -- excuse me -- the
14 neighbors to the right of me and two to the right both
15 have similar structures and I'm sure at some point in
16 time they had similar variances approved, too, by the
17 City. So we deal with it on the one side, I see no
18 problem with letting them on the other side have the
19 same right.

20 That's really all I have.

21 MEMBER KRIEGER: Thank you.

22 MEMBER SANKER: And anyone else?

23 Please come up.

1 MR. GARDNER: I'm Rob Gardner, 1533 W. Lake
2 Drive. I'm the neighbor directly to the south. I
3 don't have any comments other than I entered a written
4 agreement. I'm here in case there's questions. Those
5 are my comments.

6 MEMBER KRIEGER: Thank you.

7 MEMBER SANKER: Thank you.

8 MR. PALMER: May I address the variances?

9 MEMBER KRIEGER: Yeah, go ahead, come on up.

10 MR. PALMER: You want me to come back up?

11 MEMBER KRIEGER: Yeah.

12 MR. PALMER: It is. It is a little bit of
13 variance on the side and it says 4 foot, but it's
14 really 5 because you got the overhang. So, really,
15 it's going to go from 6 to 5, because the overhang is
16 10-12 foot in the air. That's not going to impede
17 anything if that makes it more clearer.

18 MEMBER SANKER: Thank you.

19 Okay. And anything from the City?

20 MR. BUTLER: No comments from the City.

21 MEMBER SANKER: Thanks, Larry.

22 And the Secretary.

23 MEMBER KRIEGER: Thirty-seven were sent, zero

1 returned, one approval, one objection.

2 One approval is we approve, Timothy
3 Richardson, 1511 W. Lake Drive.

4 And then the next one is I'm Rob Gardner from
5 1533 W. Lake Drive. I own the home directly south of
6 the rental home requesting this variance. Our
7 neighborhood has undergone significant improvements
8 over the last 20 years including many new homes,
9 updated homes and a paved street. I am fully
10 supportive of continued improvements by my neighbors
11 for all of the obvious reasons.

12 However, I cannot support this variance
13 requested for two reasons: The variance does not
14 appear to contain all the information required to fully
15 evaluate it. It only contains the structure's
16 footprint but no other details regarding its
17 construction. A plan that shows height, overhang and
18 other structural details would be valuable to ensure it
19 does not create issues. It seems as though we should
20 all have more data in order to make an informed
21 decision.

22 As you are aware, Number 2, the lots on
23 Walled Lake are narrow and dimensional variances are

1 common. However, it appears that the accepted practice
2 when possible is to maintain a 6-foot distance from the
3 property line for any structures. In this case the
4 distance could (see Number 1) be as little as 3 feet
5 11 inches. Not only is that not acceptable but it's
6 unnecessary.

7 The simple plan put forth shows the structure
8 significantly offset to the south. An easy correction
9 could be to move it north and potentially center it on
10 the property. Additionally, this could set a dangerous
11 precedent. This rental home will eventually be
12 rebuilt. Naturally, one would want to align the edge
13 of the home with that of the existing garage. This
14 creates a full home/garage combination. Just 3 feet
15 11 inches away from the property line not acceptable.

16 I'm asking you deny this request until
17 acceptable plans and setbacks are established. Thank
18 you.

19 That's it.

20 MEMBER SANKER: Okay. Thank you. And we'll
21 open it up to the Board for comments, questions and
22 discussion.

23 MEMBER LONGO: I visited the property. And

1 as mentioned in here front yard and backyard gets a
2 little confusing on lakefront property, and virtually
3 all your neighbors have garages on the backyard or --
4 frankly, the only place you could put it unless you're
5 going to stick it in front where you sit out and look
6 at the lake, and I wouldn't want that. So then you
7 couldn't get to it because it wouldn't be wide enough.

8 So in that sense I don't think you have a lot
9 of choice. There are some issues that have been
10 brought up about 3 inches or 1 foot or here and that
11 kind of thing and we would want to look at that but I
12 think otherwise it's a good idea. It's a good appeal.

13 MEMBER SANKER: Anybody else?

14 MEMBER MONTAGUE: Just kind of wondering
15 where exactly -- there's a water line in the way which
16 could be a real obstruction to building for the
17 foundations under it but we don't have anything that's
18 showing where that water line is so I don't know
19 whether that thing could be shoved a foot or two or not
20 to conform with the side yard.

21 MEMBER SANKER: Yes, City attorney.

22 MS. SAARELA: I think it does comply with all
23 the setback requirements. They're not asking for

1 setback variances, there's simply asking for placement.

2 MEMBER SANKER: Okay. So we should limit our
3 decision to that. Thank you.

4 MR. GARDNER: Excuse me.

5 MEMBER SANKER: Yes.

6 MR. GARDNER: Can I comment.

7 MEMBER SANKER: Sure.

8 MR. GARDNER: I've been through this process
9 before I rebuilt the home directly. And my
10 understanding is that if you go specifically by the
11 codes that the setbacks on the side are supposed to be
12 15 feet for properties in Novi, and, obviously that's
13 completely impractical when it's a 40-foot wide lot.
14 So my understanding is anytime a structure gets built
15 on these 40-foot wide lots it has to come here and it
16 has to -- and the discussion is around whether it --
17 how much less than 15 feet can it be.

18 And my point was is that standard practice in
19 that area is 6 feet because otherwise you get two
20 houses that potentially could be 6 feet apart from each
21 other or something along those lines. So that's the
22 concern.

23 You can imagine from my standpoint that if,

1 in fact, that structure goes up and ultimately the
2 house gets aligned with that, then there's -- then
3 there's a house overhang potentially as close as 3 feet
4 11 from the property line and then I'm only 6 feet
5 away, so now we're encroaching on what I think is
6 unreasonable when clearly we can make it 6 feet which
7 is, again, standard practice at least according to my
8 understanding.

9 MEMBER SANKER: Thank you.

10 From the City.

11 MR. BUTLER: For the setbacks, we work within
12 parameters. We have a minimum and maximum. Also what
13 we take into consideration whether the structures are
14 close enough where if they have windows in the portion
15 that's facing the additional house which would be a
16 fire hazard where the fire could be from side to side,
17 but basically they still meet all the requirements
18 within those parameters. They don't have to meet the
19 maximum.

20 MEMBER SANKER: Okay. Thanks, Larry.

21 So, then, the only issue in front of us is
22 can the property owners put that in the front of their
23 house.

1 MR. BUTLER: Yes.

2 MEMBER SANKER: And that's all we're to
3 decide?

4 MR. BUTLER: When they build the structure
5 they have to bring the drawings for the structure which
6 we will look at.

7 MEMBER KRIEGER: Right, right.

8 Petitioner, you can stay up here.

9 MR. PALMER: So as far as --

10 MEMBER KRIEGER: You need to go to the
11 microphone.

12 MEMBER SANKER: To the podium, yeah.

13 MR. PALMER: As far as the side variance,
14 that's not a discussion point? Because I had answers
15 and reasons, but no sense. Okay.

16 MEMBER SANKER: That is not before us.

17 MR. GARDNER: Excuses me, one more question.

18 MEMBER SANKER: Sure.

19 MR. GARDNER: So I guess now I'm a little
20 confused. The gentleman just said well, if there's
21 windows then it is a consideration, but I don't think
22 we know whether there's windows or not. We don't know
23 what the structure looks like, we don't know what's the

1 overhang is going to be. We don't know how high it's
2 going to be.

3 MS. SAARELA: I think the reason is because
4 this is not the principal structure. This is a
5 detached accessory structure. If you're talking about
6 a principal residence then you're talking about the
7 15-foot variance setbacks. Here we're not talking
8 about a principal residence. When they submit, if they
9 submit for a remodel of the house, that's when the
10 15-foot side setbacks actually come into play.

11 MR. GARDNER: So does that mean the garage
12 could be put on the property line?

13 MS. SAARELA: What are the setback
14 requirements relating to accessory structures?

15 MR. BUTLER: Yeah, 6 feet.

16 MS. SAARELA: Six feet.

17 MR. GARDNER: Okay. Then I think the setback
18 is a question, is it not? Because that says it's going
19 to be less than 6 feet and my point was is that I think
20 that it should be 6 feet.

21 I want to go to the first paragraph that I
22 wrote and that is that I think it's great that there's
23 improvements in the neighborhood and, you know, it's

1 good for all of us. But given that it's that close to
2 my home, that's my concern, and I think if we're going
3 to adhere to the rules, we should adhere to the rules.

4 Thank you.

5 MEMBER LONGO: I have a question. What he
6 put up there shows 6 feet and then there's some writing
7 down here that talks about it being different. So what
8 the zoning -- the zoning has already been approved, is
9 the 6 foot, that's what this drawing is. Are they
10 moving it different than what's on the drawing?

11 MR. PALMER: I think I can speak to that if
12 you want me to.

13 MEMBER LONGO: Okay. Please do.

14 MR. PALMER: And I guess Father & Son has a
15 reputation as being quality work and they asked for as
16 much space on the left as possible to get their
17 equipment in, otherwise it's going to destroy the other
18 neighbor's yard with their going in and out with their
19 equipment. They've got safety issues that they're
20 concerned about, they've got logistic issues,
21 maneuverability issues that's why, again, on the ground
22 looking at a 5-foot spread, not a 6, a 5. The overhang
23 is going to be up here, I get it, but that's not going

1 to be the egress.

2 MEMBER KRIEGER: So can you speak to a front
3 yard accessory structure that's going to be 6 -- can
4 you speak for your brother saying it's going to be
5 6 feet?

6 MR. PALMER: The structure is going to be 5.
7 The overhang is 8 to 12 inches, so my understanding is
8 from the overhang, that matters, but from an egress
9 point of view it's going to be five.

10 MEMBER SANKER: But the picture here says 6
11 feet.

12 MEMBER KRIEGER: But the footprint --

13 MR. PALMER: Yeah, I don't know why -- that I
14 can't speak to.

15 MEMBER KRIEGER: The concrete footprint is
16 6 feet.

17 MR. PALMER: I think initially that's what
18 they had hoped for but then Father & Son explained that
19 that's going to be very difficult down the road.

20 MEMBER LONGO: I move that we table this one
21 to next month because I'm confused about the 6 feet and
22 overhang 1 foot and it's really 5 feet, and the
23 question is where is the structure. When I looked at

1 this in my office it looked like 6 feet and now we're
2 saying it's not 6 feet.

3 MR. BUTLER: I did not see the drawings for
4 the garage. The distance is 5 feet -- is 6 feet but
5 what he's saying because of the overhang it's a foot
6 out. That does extend -- that is part of that setback,
7 it would be 6 feet but it's 5 feet because of that
8 overhang.

9 MEMBER SANKER: You're saying the actual
10 garage pad --

11 MS. SAARELA: So it has no additional bearing
12 on this?

13 MR. BUTLER: Yeah.

14 MS. SAARELA: So if that's the case, if they
15 actually are going to make -- if it's actually
16 different from what that drawing says it actually is
17 and it is 5 feet, you'll have to renote for the
18 additional variance.

19 MR. PALMER: So if this --

20 MS. SAARELA: For another forum.

21 MR. PALMER: On the drawing where it says --

22 MS. SAARELA: Or it will have to be moved.

23 MR. PALMER: On the drawing where it says

1 6 feet, are you wanting that from the pad or from the
2 overhang?

3 MS. SAARELA: Overhang.

4 MR. PALMER: And other than that are we good
5 to go or is it all tabled?

6 MEMBER SANKER: You have to resubmit, right,
7 or can we --

8 MS. SAARELA: You'll to have change the plan
9 so it's compliant, then.

10 MS. OPPERMAN: Revised plans, yes.

11 MR. BUTLER: So come back with that variance
12 with the overhang of 5 feet versus 6 because his
13 drawing is showing 6 feet.

14 MEMBER SANKER: Could we still vote on the
15 issue whether he can put it in the front yard, is it an
16 acceptable variance at this point, or should we wait?
17 Or I guess -- is that option available to us?

18 MS. SAARELA: So you could grant a front yard
19 variance but the question then is is he going to have
20 come back for another variance if he's wanting
21 something less than 6 feet.

22 MR. PALMER: Which I'm fine to do.

23 MS. SAARELA: If they're going to move the

1 structure to be compliant -- if they're going to
2 confirm that it's 6 feet they will be able to prove
3 that administratively with this front yard approval.
4 So we're not looking at a variance for side yard
5 setbacks today.

6 MEMBER SANKER: Right.

7 MS. SAARELA: If they view that as a separate
8 issue they'll have to come back for another variance.
9 If they can revise the plans to be compliant or confirm
10 the plan is going to be compliant, they will just
11 approve that and you don't need a vote.

12 So, yes, the answer is yes, you can approve
13 the one variance today and they'll have to address the
14 issue one way or the other with Community Development
15 separately.

16 MEMBER SANKER: And it may come back if --
17 here if necessary.

18 MS. SAARELA: They may. If they really want
19 it to be 5 feet.

20 MR. PALMER: Yeah. So not to speak for
21 anybody, but just so I understand. We're going to
22 discuss or you're going to discuss about the front yard
23 issue, and should that be approved then the side issue

1 if it's anything different than what that drawing says
2 they need to come back and if it's what that drawing
3 says administratively you can say yes and not have to
4 come back.

5 MS. SAARELA: Correct. If you're going to
6 complete the 6 feet that's shown on that drawing --

7 MR. PALMER: We're done.

8 MS. SAARELA: -- you can get your approval
9 administratively the rest of the way.

10 MR. PALMER: Okay. All right. Thank you.

11 MEMBER LONGO: Then I withdraw my motion to
12 table it?

13 MEMBER SANKER: Is there a motion for this?

14 MR. GARDNER: Excuse me. I do have one more
15 comment.

16 MEMBER SANKER: Well, I think at this point
17 we've heard what we need to hear and --

18 MR. GARDNER: I'm not sure. Please.

19 MR. BUTLER: It's actually closed to the
20 public.

21 MEMBER SANKER: He made the motion. She's
22 about to --

23 MR. PALMER: So step down?

1 MEMBER SANKER: Yeah. The Board has heard
2 enough and is ready to make a motion.

3 MS. SAARELA: So it's closed to public
4 hearing at this point because you moved on from that
5 portion of the meeting but if there's any questions
6 that the members of the public have that are still
7 unanswered they're always free to call Larry at his
8 office.

9 MEMBER SANKER: Okay.

10 MEMBER KRIEGER: Okay. So in Case Number
11 PZ20-0003 for Joann and Ned Aloe on 1529 W. Lake Drive,
12 the applicant is requesting variance from the City of
13 Novi Zoning Code Section 4.19(1)(b) to allow the
14 proposed building of an accessory structure to be in
15 the front yard. By code accessory building shall not
16 be erected in the front yard or in any required
17 exterior side yard. Property is zoned Single Family
18 Residential (R-4).

19 I move to grant the request by the Petitioner
20 for the -- it is unreasonably prevented or limited with
21 respect to the use of the property because it's on --
22 it has technically two fronts, the one front is the
23 backyard which is the lake, so the accessory structure

1 can be in the front yard.

2 The property is unique because of its
3 location being around this lake. Petitioner did not
4 create the condition because of previously developed
5 homes around this area. The relief granted will not
6 unreasonably interfere with adjacent or surrounding
7 properties because the structure being in the front
8 yard is similar to neighboring and will be -- be
9 contiguous to that. The relief would not be consistent
10 with the spirit and intent of the ordinance because it
11 is a minimum request and it is subject to what has been
12 given before us the 6-foot footprint and to progress
13 with the City regarding further building.

14 MEMBER SANKER: Any second?

15 MEMBER LONGO: Second.

16 MEMBER SANKER: Katherine, please call the
17 role.

18 MS. OPPERMAN: Member Montague.

19 MEMBER MONTAGUE: Yes.

20 MS. OPPERMAN: Member Sanker.

21 MEMBER SANKER: Yes.

22 MS. OPPERMAN: Member Longo.

23 MEMBER LONGO: Yes.

1 MS. OPPERMAN: And Member Krieger.

2 MEMBER KRIEGER: Yes.

3 MS. OPPERMAN: Motion passes.

4 MEMBER SANKER: Okay. Thank you.

5 Congratulations.

6 MR. PALMER: Thank you.

7 MEMBER SANKER: That's it. So no other
8 orders of business on the agenda tonight.

9 Motion to adjourn.

10 MEMBER KRIEGER: I have a question first.

11 MEMBER SANKER: Oh, question.

12 MEMBER KRIEGER: I notice for the said items
13 there's like zero returned, so they're just -- does
14 that go out through the City mail?

15 MS. OPPERMAN: Yes, it just goes out through
16 the U.S. Postal Service. Sometimes we get returns.
17 Sometimes we get them a lot later.

18 MEMBER KRIEGER: Thank you.

19 I'll move to adjourn.

20 MEMBER LONGO: Second.

21 MEMBER SANKER: All in favor.

22 (Aye)

23 MEMBER SANKER: All opposed.

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We're adjourned.

(The meeting concluded at 7:53 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.

Cynthia Ann Chyla, CSR 0092
Notary Public
Oakland County, Michigan
My Commission expires: May 12, 2023